

Jonathan Zachem, Secretary

Rick Scott, Governor

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
November 14, and 15, 2017  
General Meeting**

Chair Thomas Luzier, called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 14th day of November, 2017.

The following Commission members were in attendance: Chair Thomas Luzier, Vice-Chair Patricia Fitzgerald, Chip Boring, 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: Katy McGinnis, Director; Lori Crawford, Executive Director; Allison McDonald, Deputy Chief Attorney; Warren Sanger, Operations Support Unit Supervisor; Janice Lugo, Regulatory Supervisor; Whitley Ward, Government Analyst; Mike Davis, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

**November 14, 2017**

**Minutes**

The Commission deferred the October 2017 minutes to the December FREC meeting.

**Summary of Applicants**

Operations Support Supervisor Warren Sanger presented 76 Summary of Applicants requesting to sit for the real estate examination.

1. Tab BC – Nancy Restrepo, present with interpreter – Sales application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
2. Tab BK – David Patrick Small, present; was represented by Steve Johnson, Esquire, present – Sales application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
3. Tab AK – Terry Leigh Henson, present; was represented by R. Feller, Esquire, present – Sales application denied; Commissioner Hornsleth/Commissioner Schwartz; 5 to 2 vote.
4. Tab AA – David Franza, present; was represented by Daniel Villazon, Esquire, present – Sales associate application denied; Vice-Chair Fitzgerald/Commissioner Schwartz; unanimous vote.
5. Tab AE – Lisa Gennett, present; was represented by Daniel Villazon, Esquire, present – Sales application denied; Commissioner Fryer/Vice-Chair Fitzgerald; unanimous vote.
6. Tab BQ – Scott B. Wallace, present; was represented by Daniel Villazon, Esquire, present – Sales application approved; Commissioner Hornsleth/ Commissioner Fryer; 6 to 1 vote.
7. Tab A – Roger Sean Golden, present – informal – Denial upheld; Commissioner Boring/Commissioner Schwartz; unanimous vote.
8. Tab B – Nirali Thakkar, present – informal – Denial upheld; Commissioner Schwartz/Commissioner Boring; 4 to 3 vote.
9. Tab C – Wade Harlan Abed, present – Sales associate application approved with conditions; Commissioner Hornsleth/Vice-Chair Fitzgerald; unanimous vote.

10. Tab D – Ricardo Marquis Alvin, present, present – Sales application approved; Commissioner Hornsleth/Commissioner Schwartz; 6 to 1 vote.
11. Tab F – Alex Joseph Baillargeon, present – Sales associate application approved; Commissioner Fryer/Commissioner Boring; 6 to 1 vote.
12. Tab H – Brittany Ann Black, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
13. Tab I – Kecia Brown, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
14. Tab J – Jesse Bukor, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
15. Tab K – Hien Duc Cao, present – Sales associate application denied; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
16. Tab L – Anna Elise Cary, present – Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
17. Tab N – Guichard Cebert, present – Sales application approved with conditions; Commissioner Fryer/Commissioner Ketcham; unanimous vote.
18. Tab O – Marcelle Clarke, present – Sales associate application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
19. Tab P – Amanda Lynn Coker, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Hornsleth; 6 to 1 vote.
20. Tab Q – Brandon Cole, present – Applicant withdrew the application.
21. Tab R – Cesar Alfredo Colindres Mencia, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
22. Tab W – Jessica L. Dorrance, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
23. Tab X – Steve Doyle, present – Sales associate application approved with conditions; Commissioner Boring/Commissioner Fryer; 5 to 1 vote.
24. Tab Y – Margaret Decker Elkins, present – Sales associate application approved; Commissioner Hornsleth/Vice-Chair Fitzgerald; unanimous.
25. Tab Z – Arlen Jay Fox, present – Sales associate application approved; Commissioner Hornsleth/Vice-Chair Fitzgerald; 4 to 3 vote.
26. Tab AB – Luke Balou Funk, present – Sales associate application approved; Vice-Chair Fitzgerald/Commissioner Schwartz; unanimous.
27. Tab AD – Savitri Gangadeen, present – Applicant withdrew the application.
28. Tab AG – Michael Lloyd Gibson, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
29. Tab AH– Jeremy Giles, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

30. Tab AI – Candace Grant, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 6 to 1 vote.
31. Tab AJ – Stacy Michelle Harris, present – Applicant withdrew the application.
32. Tab AL – Jennifer St. Hilaire, present – Sales associate application denied; Vice-Chair Fitzgerald/Commissioner Fryer; unanimous vote.
33. Tab AN – Liehventz Jean Gilles, present – Applicant withdrew the application.
34. Tab AO – Jeremy Jones, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
35. Tab AP – Louby Joseph, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; 5 to 2 vote.
36. Tab AQ – Jeffrey Dennis Kapp, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 6 to 1 vote.
37. Tab AR – Elias Daniel Lebron, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
38. Tab AS – Clifford Luce, Jr., present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
39. Tab AU – Jessica McCullum, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
40. Tab AW – Ryan Nichols, present – Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; unanimous vote.
41. Tab AY – Mark Richard Patterson, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
42. Tab AZ – Brandon Piegari, present – Applicant withdrew application.
43. Tab BB – Christopher Pomposo, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
44. Tab BD – Andre Rodriguez, present – Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; 6 to 1 vote.
45. Tab BE – Kelly Rodriguez, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 5 to 2 vote.
46. Tab BF – Tenika Rodriguez, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
47. Tab BG – Rhianna Rosko, present – Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; 6 to 1 vote.
48. Tab BH – Gregory Alan Scoville, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
49. Tab BI – Ryan Shaw, present – Sales associate application approved; Commissioner Boring/Vice-Chair Fitzgerald; unanimous vote.
50. Tab BJ – Ishmael Taiyib Skylark, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 6 to 1 vote.

51. Tab BN – Ruby Thomas, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
52. Tab BO – Khristi Viktoriany, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote of 6. Commissioner Schwartz recused himself.
53. Tab BP – Kimberly R. Wagner, present – Applicant withdrew application.
54. Tab BT – Travis A. White, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
55. Tab BV – Karina Wilson, present – Sales associate application denied; Vice-Chair Fitzgerald/Commissioner Boring; unanimous vote.
56. Tab BW – Ronnie Wright, present – Sales associate application denied; Vice-Chair Fitzgerald/Commissioner Ketcham; unanimous vote.
57. Tab E – Vanessa Arias, not present – Sales associate application denied; Commissioner Ketcham/Commissioner Fryer; unanimous vote.
58. Tab G – David C. Berbick, not present – Sales associate application approved; Commissioner Fryer/Commissioner Ketcham; 5 to 2 vote.
59. Tab M – Anthony S. Caserta, not present – Applicant continued and waived the 90-day requirement.
60. Tab S – Max Contador, not present – Applicant rescheduled and waived the 90-day requirements.
61. Tab T – Matthew Sean Craig, not present – Sales associate application denied; Commissioner Fryer/Commissioner Boring; unanimous vote.
62. Tab U – Ira Rutledge Crouse, not present – Sales associate application denied; Commissioner Fryer/Vice-Chair Fitzgerald; unanimous vote.
63. Tab V – David Diaz, not present – Applicant rescheduled and waived the 90-day requirement.
64. Tab AC – Kelly Ann Gaeger, not present – Sales associate application denied; Commissioner Fryer/Vice-Chair Fitzgerald; unanimous vote.
65. Tab AF – Jeffrey John Gibson, not present – Sales associate application approved; Commissioner Hornsleth/Vice-Chair Fitzgerald; unanimous vote.
66. Tab AG – Scott William Hurley, not present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
67. Tab AT – Shawntina Marshall, not present – Sales associate application denied; Vice-Chair Fitzgerald/Commissioner Boring; 6 to 1 vote.
68. Tab AV – Camila Moretzsohn, not present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
69. Tab AX – Christopher Ortiz, not present – Sales associates application denied; Commissioner Fryer/Commissioner Boring; unanimous vote.
70. Tab BA – Kerny Pierre Louis, not present – Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
71. Tab BL – Shaylyn Paige Suarez, not present – Applicant rescheduled and waived the 90-day requirement.

72. Tab BM – Amado Tanguma, not present – Sales application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

73. Tab BR – Christie Lea Walls, not present – Sales application denied; Commissioner Fryer/Commissioner Hornsleth; the motion passed without dissent.

74. Tab BS – Joshua Travis White, not present – Sales application denied; Vice-Chair Fitzgerald/Commissioner Boring; unanimous vote.

75. Tab BU – Jason Brook Wilson, not present – Applicant rescheduled and waived the 90-day requirement.

76. Tab BX – Andrea Paola Zambrano, not present – Sales application approved; Commissioner Fryer/Commissioner Boring; unanimous vote.

### **Consent Agenda A**

The Commission considered 55 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 28 applicants and require 27 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

McCall Barrett	Douglas P. Izzo	Faith N. Reynolds
Amanda L. Bowers Grubbs	Pamela M. Lockeby	Camille Rowe
William F. Brennan	James R. MacKenzie	Tiffany A. Ruda
Jason E. Brown	Janine L. Mangum	September D. Sartain
Kevans Cadet	Lauren M. Miller	Austin J. Schubert
Kathryn E. Calabrese	Roger A. Miller	Amy E. Schuck
Lucy Corona	Stephen Nall	Stephen V. Siciliano
Jason Gold	Joshua Otto	Timothy N. Willmuth
Ricky Gutierrez	David S. Pierre	Samantha A. Young
Richard Harding		

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

Mayte Almeida	Tiffany Harris	Joseph R. Rapisarda
Charlotte Alvarado	Mark Infante	Samuel J. Rodriguez
Jason Barrios	Alexander Jandick	Kirsten M. Smith
Adrian C. Bishop	Jonathan Kranker	Robert D. Speer
Edward N. Duffy	Gili O. Logoboy	Stephanie Tuorto
Mark G. Fitrzyk	Kyle P. Manderscheid	Sheena Vogt
Joshua Flores	Emily McNamee	Phillip Welke
Darrin Gruenig	Alexis Mompie	Ronnie L. White, Jr.
Joshua R. Haigh	Angela O. Elhelbawi	William L. Yingling

### **Consent Agenda B**

The Commission considered 10 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Boring to approve 3 applicants and require 7 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Steven L. Kerley	Frank Muniz	leasha Sibblies
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The following applicants will be placed on the next available Summary of Applicant agenda:

Willie Briones  
Henry M. Jojas  
Benjamin R. Landes

Tiana J. Lee  
Joseph Millslage

Andrew Schneider  
Shaun A. Vassell

### **Public Comments**

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

### **Recess**

There being no objection, the Chair recessed the meeting at approximately 4:15 p.m. until 8:30 a.m. tomorrow.

### **November 15, 2017**

Chair Thomas Luzier reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 15th day of November, 2017.

The following Commission members were in attendance: Chair Thomas Luzier, Vice-Chair Patricia Fitzgerald, Dick Fryer, Poul Hornsleth, Patti Ketcham and Randy Schwartz. Commissioner Boring was excused and not present. 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: Katy McGinnis, Director; Lori Crawford, Executive Director; Josh Kendrick, Chief Attorney; Sara Kimmig, Bureau Chief; Maureen White; Assistant General Counsels; Appearing via teleconference: Deputy Chief Attorney Brande Miller; Andrew Butler, Dan David, Nick Duval, Tabitha Herrera, Crystal Stephens, Maureen White; Assistant General Counsels; Warren Sanger, Licensing Supervisor; Jocelyn Pomales, Education Coordinator; and Mike Davis, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Chair Luzier welcomed attendees from the Space Coast Leadership Academy and Space Coast Association of Realtors.

### **Reports**

The Division staff presented the following reports:

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

The Division staff addressed questions and comments from the Commission.

### **Legal Agenda Schedule**

#### **Escrow Disbursement Orders**

Assistant General Counsel Miller presented 8 Escrow Disbursement Orders, and 4 Orders for the Commission's consideration. The Commission entered into discussion. Commissioner Hornsleth moved to accept 7 Escrow Disbursement Orders as presented, 1 Escrow Disbursement Order as amended and the 4 Orders; Commissioner Fryer seconded the motion; the motion passed without dissent.

## Recovery Fund Claims

### **Tab A – Gertrudis Espinal, et al. v. Lucia Ortiz, DBPR Case No. 2017-022156**

Mr. David presented the above matter to the Commission. Neither the Licensee nor the Claimants were present. Mr. David recommended the Commission grant the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to grant the Final Order Granting the Recovery Fund Claim in the amount of \$34,450.00. Commissioner Fryer seconded the motion. The motion passed without dissent.

### **Tab B – Anita Rampersad & Rafael Perez-Mullor v. Olivera Milosavljevic & Global Homes Real Estate, DBPR Case No. 2016-035626**

Continued.

### **Tab C – Ariel and Emily Zlichka v. Mohamed Shamshudeen Donald and Bayyinah Suliaman, DBPR Case No. 2017-025219**

Mr. David presented the above matter to the Commission. Neither the Licensees nor the Claimant were present. The Licensee was not present. Mr. David recommended the Commission grant the request. The Commission considered the facts and circumstances. Commissioner Fryer moved to approve the Final Order Granting in Part and Denying in Part Recovery Fund Claim in the amount of \$9,000.00. Commissioner Hornsleth seconded the motion. The motion passed without dissent.

## Legal Appearance Docket

### **Tab A – Bruce Edward Elliott, BL 3215363; Case No. 2016033447 – Petitioner’s Motion for Informal Hearing**

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

Ms. Stephens represented the department and presented the case to the Commission. After discussion, Commissioner Hornsleth moved to refer the matter to the Division of Administrative Hearings (DOAH); Vice-Chair Fitzgerald seconded the motion; the motion passed without dissent.

**Action taken:** Referred to DOAH

### **Tab N – Carlos Felipe Valencia, SL 3117168; Case No. 2017007225 – Motion for Finding of Waiver and Entry of Final Order**

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

Mr. David 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; seconded by Commissioner Schwartz; motion passed without dissent. Commissioner Fryer moved; seconded by Vice-Chair Fitzgerald; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of \$170.00. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering a plea of guilty to the felony of and being adjudicated guilty of Conspiracy to Defraud the United States and Pay and Receive Healthcare Kickbacks.

### **Tab G – Paul Alan Murray, SL 3021508; Case No. 2017006566 – Petitioner’s Motion for Informal Hearing**

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

Mr. David 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 Schwartz; motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Fitzgerald; the motion passed without dissent to impose the following sanctions:

**Penalty:** Investigative costs of \$288.75; attend 1 complete FREC meeting; suspension until Respondent satisfies all requirements of this final order and the final order entered in Case No. 2015-018456, not to exceed 10 years; probation until February 15, 2018. **Violation(s):** Section 475.25(1)(e), Florida Statutes, when Respondent violated a lawful order issued under the provisions of Chapter 455 or 475 by failing to comply with a Final Order of the FREC.

### **Tab M – Pablo M. Urquizo, SL 3163931; Case No. 2016013405 – Respondent’s Request for Informal Hearing**

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

Ms. Bhambhani 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; seconded by Vice-Chair Fitzgerald; motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Fitzgerald; the motion passed 3-2 to impose the following sanctions:

**Penalty:** Revocation; investigative costs of \$297.00. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to account and deliver monies related to Subject Property 3 to Borja & Borja Associates LLC; Section 475.25(1)(k), Florida Statutes, by failing to immediately place rental payments related to Subject Property 1, Subject Property 2, and Subject Property 3 with his registered broker; Section 475.25(1)(b), Florida Statutes, by failing to make required payments on Subject Properties 1, 2 and 3, by falsely promising to make the required payments for Subject Property 3 and by violation his duties in real estate related to Subject Properties 1, 2 and 3; Section 475.42(1)(b), Florida Statutes, by managing rental properties without the knowledge or consent of Respondent’s registered broker at the time; Section 475.42(1)(d), Florida Statutes, by collecting rental payments without the knowledge or consent of his registered broker at the time.

### **Tab I – Pekarek Holdings LLC, CQ 1048824; Case No. 2016046951 – Petitioner’s Motion for Informal Hearing**

Respondent was present; Respondent was represented by James H. Burgess, Jr., Esquire, not present. Commissioner Fryer and Commissioner Schwartz were recused due to participation on the probable cause panel.

Ms. Bhambhani represented the department and presented the case to the Commission. The Respondent requested a continuance. The Commission denied the request for continuance and entered into discussion. Commissioner Ketcham moved to find the Respondent guilty as charged in the Administrative Complaint; seconded by Vice-Chair Fitzgerald; motion passed without dissent. Commissioner Ketcham moved; seconded by Vice-Chair Fitzgerald; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of \$132.00. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to promptly deliver the tenant security deposits in the amount of \$4,300.00 and the owner rental income in the amount of \$6,658.96 to Benchmark Mobile Home Investments, LLC upon request.



**Tab J – Benjamin Austin Pekarek, BK 3255377; Case No. 2016043141 – Petitioner’s Motion for Informal Hearing**

Respondent was present; Respondent was represented by James H. Burgess, Jr., Esquire, not present. Commissioner Fryer and Commissioner Schwartz were recused due to participation on the probable cause panel.

Ms. Bhambhani represented the department and presented the case to the Commission. The Respondent requested a continuance. The Commission denied the request for continuance and entered into discussion. Commissioner Ketcham moved to find the Respondent guilty as charged in the Administrative Complaint; seconded by Vice-Chair Fitzgerald; motion passed without dissent. Commissioner Ketcham moved; seconded by Vice-Chair Fitzgerald; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of \$709.50. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to promptly deliver the tenant security deposits in the amount of \$4,300.00 and the owner rental income in the amount of \$6,658.96 to Benchmark Mobile Home Investments, LLC upon request.

**Tab E – Gregory Alan Mizelle, BK 686637; Case No. 2016054098 – Respondent’s Request for Informal Hearing**

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

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

**Penalty:** Administrative fine of \$600.00; investigative costs of \$407.88; attend two complete 2-day FREC general meetings; 12 months of probation. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violation Section 455.227(1)(t), Florida Statutes, by failing to report to the Department within 30 days of pleading no contest to and being adjudicated guilty of one count of “Refusal to submit to testing,” and one count of “Reckless Driving.”, by pleading no contest to and having adjudication withheld for one count of “Violation of Injunction Domestic Violence” and by pleading no contest to and having adjudication withheld for one count of “Resisting an Officer Without Violence.”

**Tab B – Bryant David Gattos, SL 3185500; Case No. 2016055358 – Respondent’s Request for Informal Hearing**

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

Mr. David represented the department and presented the case to the Commission. The Respondent requested a continuance. After discussion, Commissioner Hornsleth moved; seconded by Vice-Chair Fitzgerald; motion passed without dissent to continue the matter until the next meeting.

**Action taken:** Case continued until December 2017.

**Tab C – Eric D. Grimsley, BK 3037679; Case No. 2016048435 – Respondent’s Request for Informal Hearing**

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

Mr. Duval represented the department and presented the case to the Commission. The Respondent requested a continuance. After discussion, Vice-Chair Fitzgerald moved; seconded by Commissioner Hornsleth; motion passed without dissent to continue the matter until the next meeting.

**Action taken:** Case continued until December 2017.

**Tab P – Jason Andrew Berger, SL 3025738; Case No. 2016003112 – Stipulation Settlement**

Respondent was not present; Respondent was represented by John R. Samann, Esquire, present. Chair Luzier 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 to deny the Settlement Stipulation as presented and offer a counter Stipulation. Vice-Chair Fitzgerald seconded the motion. The motion passed without dissent.

**Penalty:** Administrative fine of \$500.00; investigative costs of \$646.80; 3-hour core law course; attend one 2-day FREC meeting. **Violation(s):** Rule 61J2-14.009, Florida Administrative Code, when he failed to deliver Mr. Garrison's payment in the amount of \$900.00, for the condominium rental unit, to his registered brokerage at the time, Charles Rutenberg Realty, LLC (CQ 1017668 ), no later than the end of the next business day following receipt; Section 475.42(1)(b), Florida Statutes, by acting as a broker without a valid license, by collecting compensation from Ms. Garrison's condominium unit, by retaining half (\$450.00) of Ms. Garrison's \$900.00 payment.

**Action taken:** Counter Stipulation Settlement offered. Counter offer was accepted.

**Tab D – Olivera Milosavijevic, BK 3151681; Case No. 2017006803 – Respondent's Request for Informal Hearing**

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

Ms. Herrera represented the department and presented the case to the Commission. The Respondent requested an extension, via correspondence, to comply with the penalties imposed in case number 2015-005971. After discussion Vice-Chair Fitzgerald moved; seconded by Commissioner Fryer; motion passed without dissent to grant an extension until May 15, 2018 to comply with the previous Final Order.

**Action taken:** Extension granted until May 15, 2018.

**Tab F – Fulvio Alexis Monetti, SL 3316206; Case No. 2016036743 – Petitioner's Motion for Informal Hearing**

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

Mr. David 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 Vice-Chair Fitzgerald; motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Fitzgerald; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of \$990.00. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering a plea of guilty to a crime in any jurisdiction which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude.

**Tab H – Mark A. Newell, BK 3189165; Case No. 2015054152 – Respondent's Request for Informal Hearing**

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

Ms. Bhambhani represented the department and presented the case to the Commission. The Respondent requested a continuance via correspondence. The Commission entered into discussion. Commissioner Schwartz moved; seconded by Commissioner Fryer; motion passed 5 to 1 to deny the request for

continuance. 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 \$92.40. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to provide the timely return of the Deposit to Sellers upon demand; Section 475.25(1)(e), Florida Statutes, though a violation of Section 475.22, Florida Statutes, by maintaining an office sign that failed to use the phrase “licensed real estate broker” or “lic. real estate broker.”; Section 475.25(1)(b), Florida Statutes, by failing to disburse the Deposit to the Sellers upon demand; Section 475.25(1)(e), Florida Statutes, through a violation of Rule 61J2-14.012, Florida Administrative Code, by failing to make one or more required monthly statement-reconciliations.

#### **Tab K – Alejandro R. Rodriguez, SL 3222291; Case No. 2017002256 – Respondent’s Request for Informal Hearing**

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

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

**Penalty:** Revocation; investigative costs of \$998.25. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by entering a plea of guilty to and being adjudicated guilty of the felony offense of Discharging a Firearm From a Vehicle Within 1000 Feet of a Person; Section 455.227(1)(t), Florida Statutes by failing to notify the Commission in writing within 30 days of being adjudicated guilty.

#### **Tab L – Michael Andrew Silverman, SL 3103854; Case No. 2016047068 – Respondent’s Request for Informal Hearing**

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

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

**Penalty:** Administrative fine of \$500.00; investigative costs of \$371.25; complete a 3-hour core law course; probation for 3 months. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating Section 455.227(1)(t), Florida Statutes, by failing to report to the Department within 30 days of pleading no contest to one count of “Unlawful Possession of Cannabis,” and one count of “Use or Possession of Drug Paraphernalia”; Section 475.25(1)(p), Florida Statues, by failing to submit a written report to the Department within 30 days of pleading no contest to one count of “Possession of Cocaine.”

#### **Tab O – Lauren Elizabeth Daily, SL 3103854; Case No. 2017022145 – Respondent’s Request for Entry of Final Order**

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

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

Commissioner Hornsleth moved; seconded by Commissioner Fryer; motion passed without dissent to impose the following sanctions:

**Penalty:** Investigative costs of \$224.40; complete a 3-hour core law course; probation for 12 months.  
**Violation(s):** Section 475.25(1)(m), Florida Statutes by concealing her plea of guilty to the crime of Knowingly Driving While License Suspended with Prior Conviction for Suspension.

**Tab Q – James McGraw, BK 494801; Case No. 2016012434 – Settlement Stipulation**

Case withdrawn.

**Tab R – Apartments Aplenty, Inc., CQ 1029638; Case No. 2017028006 – Voluntary Relinquishment of License for Permanent Revocation**

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

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

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

**Tab S – Phyllis B. Davis, BK 647590; Case No. 2017023636 – Voluntary Relinquishment of License for Permanent Revocation**

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

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

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

**Tab T – Jeffrey Ehrlich, SL 3238413; Case No. 2016050402 – Motion for Waiver of Rights and Entry of Final Order**

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

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

**Penalty:** Revocation; investigative costs of \$132.00. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to timely deliver \$2,400 to Dolinsky upon demand; Section 475.25(1)(b), Florida Statutes, when he breached Dolinsky's trust by failing to timely remit the Deposit to Dolinsky upon demand; Section 475.25(1)(k), Florida Statutes, by failing to immediately place the Deposit with his registered employer; Section 475.42(1)(b), Florida Statutes, when Respondent operated as a Broker and not under the direction, control or management of his Broker.

**Tab U – Patricia Louis, SL 3244297; Case No. 2016036412 – Motion for Waiver of Rights and Entry of Final Order**

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

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

**Penalty:** Revocation; investigative costs of \$569.25. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to provide the timely return of Complainant's deposit upon demand; Section 475.25(1)(k), Florida Statutes, by failing to place Complainant's deposit with her registered employer; Section 475.25(1)(b), Florida Statutes, by failing to timely return Complainant's deposit; Section 475.42(1)(d), Florida Statutes, by collecting money related to a real estate transaction in her own name; Section 475.25(1)(e), Florida Statutes, through a violation of 455.275(1), Florida Statutes, by failing to provide the department of a current mailing address, defined as a residential address in Rule 61J2-10.038(1), Florida Administrative Code.

#### **Tab V – Adriana Edith Scalabroni, SL 3087296; Case No. 2016005963 – Motion for Waiver of Rights and Entry of Final Order**

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

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

**Penalty:** Revocation; investigative costs of \$726.00. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by pleading guilty to and adjudicated guilty of one count of "Conspiracy to Commit Wire Fraud Affecting a Financial Institution"; Section 475.25(1)(n), Florida Statutes, by being confined in a low security correctional institution.

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

**Tab O – 45 Hour Post License Course for Florida Real Estate Sales Associate – New Course (45 hours, distance) – Application No. 30380 – USA Real Estate Academy, Inc.**

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

**Tab A – Continuing Education Course - Spanish – New Course (14 hours, distance) – Application No. 30538 – Aprendiendo Real Estate**

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

**Tab B – Renovation Lending and the K – New Course (2 hours, distance) – Application No. 30530 – Buckeye Education Services, LLC**

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

**Tab C** – *Ethics and Business Practices for Real Estate* – New Course (3 hours, classroom) – Application No. 31593 – Cetrack, LLC

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

**Tab D** – *CRS 201 Listing Strategies for the Residential Specialist* – New Course (11 hours, classroom) – Application No. 30118 – Council of Residential Specialists

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course for 8 hours; Commissioner Ketcham seconded the motion. The motion passed without dissent.

**Tab E** – *Continuing Education for Real Estate* – New Course (14 hours, classroom) – Application No. 30686 – David Collins Schools

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

**Tab F** – *Ethics* – New Course (3 hours, classroom) – Application No. 30377 – David Collins Schools, LLC

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

**Tab G** – *Tax Deferred 1031 Exchanges* – New Course (11 hours, classroom) – Application No. 30782 – 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 for 8 hours; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab H** – *Site Selection* – New Course (11 hours, distance) – Application No. 30783 – 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 with conditions for 8 hours; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab I** – *Managing Online Transactions with Dotloop* – New Course (3 hours, classroom) – Application No. 30267 – Fluid Specialists, Inc.

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

**Tab J** – *Retail Real Estate Finance and Accounting for Non-Financial Professionals* – New Course (6.5 hours, classroom) – Application No. 30351 – International Council of Shopping Centers, Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course for 5 hours; Commissioner Ketcham seconded the motion. The motion passed without dissent.

**Tab K – *Ninja Installation* – New Course (unknown hours, classroom) – Application No. 30711 – John R. Wood Properties**

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

**Tab L – *Florida Real Estate Ethics and Business Practices* – New Course (3 hours, distance) – Application No. 30527 – McKissock LP**

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

**Tab M – *63-hour Sales Associate (Pre-License Course)* – New Course (63 hours, classroom) – Application No. 30030 – Soeder**

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

**Tab N – *63-hour Sales Associate (Pre-License Course)* – New Course (63 hours, classroom) – Application No. 30030 – Thyssen University**

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

### **General Session continued**

#### **Petition for Variance/Waiver received from Judy Caldwell – VW 2017-178**

The Commission considered the petition received from Judy Caldwell, not present, requesting to waive the requirements of Rules 61J2-3.011 and 61J2-17.016, Florida Administrative Code, due to receiving misinformation relating to the renewal of her instructor license. The Commission entered into discussion. Commissioner Fryer moved; Commissioner Ketcham seconded the motion to grant the waiver until September 30, 2018. The motion passed without dissent.

#### **Petition for Variance/Waiver received from Merrick Williams – VW 2017-176**

The Commission considered the petition received from Merrick Williams, present, requesting to waive the requirements of Rules 61J2-3.011, Florida Administrative Code, and be allow to “reactivate” his instructor license. The Commission entered into discussion. Commissioner Fryer moved; Commissioner Ketcham seconded the motion to deny the waiver request. The motion passed without dissent.

#### **Petition for Variance/Waiver received from Ryan Gebauer – VW 2017-178**

The Commission considered the petition received from Ryan Gebauer, not present, requesting to waive the requirements of Rule 61J2-17.016, Florida Administrative Code, due to receiving misinformation relating to the renewal of his instructor license. The Commission entered into discussion. Commissioner Fryer moved; Vice-Chair Fitzgerald seconded the motion to grant the waiver until September 30, 2018. The motion passed without dissent.

### **Rule Discussion**

#### **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 and many email

submissions expressing agreement or opposition to the rule. Upon conclusion of the discussion the proposed language was amended. The Commission requested that this rule be brought back next month together with the Statement of Estimated Regulatory Costs (SERC) for final review and discussion.

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

FREC Counsel Barnhart presented a proposed draft of Rule 61J2-3.011 for discussion. The Commission addressed comments from industry members. Upon conclusion of the discussion, Commissioner Fryer moved to adopt the proposed language as presented; Commissioner Hornsleth seconded the motion; the motion passed without dissent.

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

#### Rules Report

FREC Counsel Barnhart presented the Rules Report and addressed questions and comments from the Commission.

#### General Session continued

#### Special Agenda

Licensee Paul Soud – Hardship Extension Request – License Number SL 3345202

Ms. Pomales presented matter to the Commission. After discussion, Commissioner Fryer moved to grant the request for hardship extension; Vice-Chair Fitzgerald seconded the motion; the motion passed 5 to 1.

#### Director's Comments

Executive Director Crawford wished everyone a safe and Happy Thanksgiving Holiday.

#### Chair's Remarks

Vice-Chair Fitzgerald reported that she recently attended the National Association of Realtors meeting and provided information she thought was interesting relating to broker supervision.

Chair Luzier requested to discuss current criteria required for a sales associate to become a broker. After discussion, the Commission requested this topic be placed on the agenda for future meetings for further discussion or workshops.

#### Public Comments

The Commission addressed a comment from Ms. Linda Crawford, Dearborn Real Estate Education Company, relating to instructor continuing education.

#### Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for December 12 and 13, 2017, in Orlando, Florida.



Thomas Luzier, Chair  
Florida Real Estate Commission



Lori Crawford, Executive Director  
Florida Real Estate Commission