

**STATE OF FLORIDA
FLORIDA REAL ESTATE COMMISSION**

**IN RE: THE PETITION FOR DECLARATORY STATEMENT
FILED BY W D SCHORSCH, LLC**

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	7/17/2014
File #	2014-05276

FINAL ORDER GRANTING PETITION FOR DECLARATORY STATEMENT

This matter came before the Florida Real Estate Commission (Commission) pursuant to section 120.565, Florida Statutes on June 17, 2014, in Orlando, Florida. W D Schorsch, LLC filed a petition for declaratory statement on May 22, 2014 and notice of its receipt was published in the Florida Administrative Register.

Having considered the Petition and relevant statutes and rules, the Commission issues the following:

DS 2014-069

FINDINGS OF FACT

1. The facts considered by the Commission are as alleged in the Petition, a copy of which is attached hereto and incorporated by reference, and presented at the meeting, with no further investigation by the Commission.
2. Petitioner is licensed as a real estate broker in the State of Illinois.
3. Petitioner asks the Commission to confirm that he is not required to obtain a Florida Real Estate Broker's license under the following conditions:

Petitioner will be a property manager for a client in Chicago, IL who is purchasing a single tenant federal government office building in Jacksonville, FL occupied by the Immigration and Customs Enforcement Division of Homeland Security. The client wants Petitioner to be the property manager. In this capacity Petitioner will receive phone calls from the tenant regarding maintenance issues such as roof leaks, stopped toilets and air conditioning that is not functioning. Petitioner will also be responsible for the bookkeeping and will process the monthly bills for ownership. Petitioner will not be signing any real estate agreements to rent, sell or exchange real property. Petitioner will not be renting any property, or selling or exchanging any property or receiving any rental payments from the tenant. Petitioner will not have any escrow accounts.

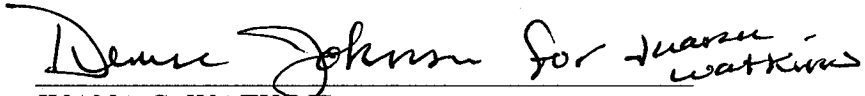
CONCLUSIONS OF LAW

4. The Commission has authority to issue this Final Order pursuant to Section 120.565, Florida Statutes, and Chapter 28-105, Florida Administrative Code.

Therefore, the Commission hereby GRANTS the petition and finds that the Petitioner, based on the facts as they are presented herein, is not required to obtain a Florida real estate broker's license.

The applicability of this Final Order is limited to the set of facts incorporated herein. This Final Order shall be effective upon filing with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 10th day of July, 2014.



JUANA C. WATKINS
Executive Director
Florida Real Estate Commission

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDING ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by U.S. Mail to: W D Schorsch, LLC, 694 Grandview Lane, Lake Forest, IL 60045 and Lawrence J. Stark, Esq., 1 East Wacker Drive, Suite 2610, Chicago, IL 60601, and by hand/interoffice delivery to Tom Barnhart, Special Counsel, Suite PL-01, The Capitol, Tallahassee, Florida 32399-1050; and the Florida Real Estate Commission, 400 West Robinson Street, Suite N801, Orlando, Florida 32801-1757, on or before 5:00 p.m., this 17th day of July, 2014.





W D Schorsch LLC
694 Grandview Lane
Lake Forest, IL 60045
847 482 0178

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	5/22/2014
File #	

Petition for Declaratory Statement, Florida Real Estate Commission

Petitioner: W D Schorsch LLC
694 Grandview Lane
Lake Forest, IL 60045

Phone: (847) 482-0178
Fax: (847) 482-0179
wschorsch@sbcglobal.net

*Attorney: Lawrence J. Stark
1 East Wacker Drive
Suite 2610
Chicago, IL 60601

Phone: (312) 782-3636
Fax: (312) 782-1482

*Licensed to practice law in Florida

DS 2014-069

Statutory Provision: Florida Statutes Chapter 475.01, 475.011

STATEMENT: Petitioner has requested a determination from the Department of Business and Professional Regulation, Division of Real Estate and was advised by Ms. Jocelyn Pomales, Supervisor to file a petition for a formal opinion under section 120.565, Florida Statutes with Mr. Tom Barnhart, Assistant Attorney General, Counsel to the Florida Real Estate Commission, Office of the Attorney General.

I am currently a licensed Illinois Real Estate broker and Petitioner is also a licensed Illinois Real Estate Limited Liability Firm. I am aware of the rules and regulations regarding real estate licensing. My request is for a determination that there is no need of a Florida Real Estate Brokers license under the conditions described below.

Petitioner will be a property manager for a client in Chicago, IL who is purchasing a single tenant federal government office building in Jacksonville, FL occupied by the Immigration and Customs Enforcement Division of Homeland Security. The client wants Petitioner to be the property manager. In this capacity Petitioner will receive phone calls from the tenant regarding maintenance issues such as roof leaks, stopped toilets and air conditioning that is not functioning. Petitioner will also be responsible for the bookkeeping and will process the monthly bills for ownership.

Petitioner will not be: signing any real estate agreements to rent, sell or exchange real property. Petitioner will not be, renting any property, or selling or exchanging any property or receiving any rental payments from the tenant. Petitioner will not have any escrow accounts.

DECLARATORY REQUEST: Please advise if based upon the foregoing facts that there is no need for Petitioner to obtain a Florida Real Estate Broker's License.

William D. Schorsch
Managing Broker
W D Schorsch LLC

Dated: May 14, 2014