

**Jonathan Zachem**, Secretary

**Rick Scott**, Governor

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
December 12 and 13, 2017  
General Meeting**

**December 12, 2017**

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 12th day of December, 2017.

**COMMISSIONERS**

Chair Thomas Luzier

Vice-Chair Patricia Fitzgerald

Chip Boring

Dick Fryer

Poul Hornsleth

Randy Schwartz

Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

**STAFF**

Katy McGinnis, Director

Lori Crawford, Executive Director

Brande Miller, Deputy Chief Attorney

Crystal Stephens, Assistant General Counsel

Warren Sanger, Operations Support Unit Supervisor

Janice Lugo, Regulatory Consultant

Mike Davis, Regulatory Specialist, Supervisor/Consultant

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

**Minutes**

Commissioner Fryer moved; seconded by Vice-Chair Fitzgerald to approve the October 2017 FREC minutes. The November 2017 FREC minutes were deferred.

**Summary of Applicants**

Operations Support Supervisor Warren Sanger presented 67 Summary of Applicants requesting to sit for the real estate examination.

1. Tab AB – Clara Florez, present; interpreter, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
2. Tab BA – Ricardo Sands, present; interpreter, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to deny the application for sales associate; the motion passed 5-1.
3. Tab V – Edward Neil Duffy, present; was represented by Steven Johnson, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.

4. Tab BG – William E. Vanderford IV, present; was represented by Steven Johnson, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed 5-1.
5. Tab M – Anthony S. Caserta, present; was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Vice-Chair Fitzgerald to deny the application for sales associate; the motion passed 5-1.
6. Tab R – Ana Gladys Daviglius, present; was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
7. Tab AF – Tiffany Harris, present; was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.
8. Tab AN – Benjamin R. Landes, present; was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Vice-Chair Fitzgerald to approve the application for sales associate; the motion passed without dissent.
9. Tab BE – Lance Tinsley, present, was represented by Daniel Villazon, Esquire, present – Commissioner Schwartz moved; seconded by Vice-Chair Fitzgerald to approve the application for sales associate; the motion passed without dissent.
10. Tab A – Robert Emmanuel Bernard, present, informal – Commissioner Hornsleth moved; seconded by Commissioner Fryer to set aside the notice of intent to deny, and approve the application for sales associate; the motion passed 5-1.
11. Tab E – Charlotte Alvarado, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate with conditions; the motion passed without dissent.
12. Tab C – Mayte Almeida, present – Commissioner Boring moved; seconded by Vice-Chair Fitzgerald to approve the application for sales associate; the motion passed without dissent.
13. Tab I – Brittany Boyd, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.
14. Tab G – Jason Barrios, present – Commissioner Hornsleth moved; seconded by Commissioner Schwartz to deny the application for sales associate; the motion passed without dissent.
15. Tab N – Timothy Ryan Chambers, present – Commissioner Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.
16. Tab P – Seneca Cook, present – Commissioner Boring moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 5-1.
17. Tab Q – Henry Cruz, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 5-1.
18. Tab S – Cameron Lee Dempsey, present – Commissioner Boring moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 4-2.
19. Tab W – Liam Egan, present – Commissioner Fryer moved; seconded by Vice-Chair Fitzgerald to approve the application for sales associate; the motion passed 5-1.
20. Tab Z – Jessica Flaquer, present – Commissioner Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.

21. Tab AC – Henry Mintu Fojas, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed 5-1.
22. Tab AD – Darrin Gruenig, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
23. Tab AE – Joshua Ryan Haigh, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 5-1.
24. Tab AG – David Anthony Hartsfield Jr., present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4-2.
25. Tab AH – Mark Infante, present – Commissioner Fryer moved; seconded by Vice-Chair Fitzgerald to approve the application for sales associate with conditions; the motion passed 5-1.
26. Tab AI – Bobbie Gene Inman, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.
27. Tab AJ – Alexander Jandick, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.
28. Tab AK – Michelee Fatima Justice, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
29. Tab AM – Jonathan Kranker, present – Commissioner Schwartz moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
30. Tab AO – Tiana Jalyssa Lee, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 4-2.
31. Tab AQ – Gili Oleg Logoboy, present – Commissioner Hornsleth moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed 5-1.
32. Tab AR – Kyle Philip Manderscheid, present – Commissioner Hornsleth moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.
33. Tab AT – Emily McNamee, present – Applicant continued and waived 90-day requirement.
34. Tab AU – Joseph Millslagle, present – Commissioner Boring moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
35. Tab AV – Alexis Mompie, present – Commissioner Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed without dissent.
36. Tab AW – Fern Yvette Poyster, present – Commissioner Fryer moved; seconded by Vice-Chair Fitzgerald to approve the application for broker; the motion passed without dissent.
37. Tab AX – Joseph Ryan Rapisarda, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.
38. Tab AZ – Samuel Justino Rodriguez, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
39. Tab BB – Andrew Schneider, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
40. Tab BC – Kirsten M. Smith, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for broker; the motion passed without dissent.

41. Tab BD – Robert Daniel Speer, present – Commissioner Schwartz moved; seconded by Commissioner Hornsleth to approve the application for sales associate with conditions; the motion passed without dissent.
42. Tab BF – Stephanie Tuorto, present – Vice-Chair Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed 5-1.
43. Tab BH – Shaun Antios Vassell, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4-2.
44. Tab BJ – Benjamin Ward, present – Application withdrawn
45. Tab BK – Phillip Welke, present – Commissioner Fryer moved; seconded by Vice-Chair Fitzgerald to approve the application for broker; the motion passed without dissent.
46. Tab BL – Ronnie Lee White Jr., present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 5-1.
47. Tab BM – William Lloyd Yingling, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
48. Agenda B, Tab A – Joddy Anne Nainby, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.
49. Tab H – Adrian Christian Bishop, not present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.
50. Tab B – Kelly Anne Gaeger, not present – Applicant continued and waived 90-day requirement.
51. Tab D – William Joseph Aloupis Jr., not present – Application withdrawn
52. Tab F – Jeffery Barricklow, not present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to deny the application for sales associate; the motion passed without dissent.
53. Tab J – Willie Briones, not present – Commissioner Fryer moved; seconded by Commissioner Schwartz to deny the application for sales associate; the motion passed without dissent.
54. Tab K – Austin Brett Butler, not present – Commissioner Hornsleth moved; seconded by Commissioner Schwartz to deny the application for sales associate; the motion passed without dissent.
55. Tab L – Annalisa Byer, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to deny the application for broker; the motion passed without dissent.
56. Tab O – Max Contador, not present – Applicant continued and waived 90-day requirement.
57. Tab T – Patricio Carlos Diaz, not present – Commissioner Fryer moved; seconded by Commissioner Boring to approve the application for sales associate; the motion passed 4-2.
58. Tab U – Sharon Espiritu Dizon, not present – Applicant continued and waived 90-day requirement.
59. Tab X – Victoria Lynn Fater, not present – Commissioner Fryer moved; seconded by Commissioner Schwartz to deny the application for sales associate; the motion passed without dissent.
60. Tab Y – Mark Gerard Fitrzyk, not present – Applicant continued and waived 90-day requirement.
61. Tab AA – Joshua Flores, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 4-2.
62. Tab AL – John Kemp, not present – Commissioner Boring moved; seconded by Commissioner Fryer to approve the application for sales associate; there was a 3-3 vote. No action was taken.

63. Tab AP – Gianni Lizano, not present – Commissioner Hornsleth moved; seconded by Commissioner Boring to approve the application for sales associate; there was a 3-3 vote. No action was taken.

64. Tab AS – Ladi Anita March, not present – Applicant continued and waived 90-day requirement.

65. Tab AY – Hector M. Reyes, not present – Vice-Chair Fitzgerald moved; seconded by Commissioner Schwartz to deny the application for sales associate; the motion passed without dissent.

66. Tab BI – Sheena Vogt, not present – Commissioner Hornsleth moved; seconded by Commissioner Schwartz to deny the application for sales associate; the motion passed without dissent.

67. Agenda B, Tab B – Blair D. Neller Jr., not present – Commissioner Hornsleth moved; seconded by Commissioner Schwartz to deny the application for sales associate; the motion passed without dissent.

### **Consent Agenda A**

The Commission considered 17 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Vice-Chair Fitzgerald to approve 7 applicants and require 10 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Jon Bearson	Barbara Du'Val	Jennifer Zalanka
Leosthene Charles	Madison Moore	
Alixandria Considine	Shane Sniffin	

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

Fernandez Beaubrun	Luke Linares	Kirk Shepler
Vincent Burruezo	Dijon Parker	James Henry Walsh Jr.
Jonathan Patrick Hammonds	Catherine Marie Riley	
Reynold Rony Joseph	Eric Santiago Sr.	

### **Consent Agenda B**

The Commission considered 25 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 13 applicants and require 12 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Jennifer Sonia Coffee	Rafael Ismael Lopez	Elvido Junior Tiburcio
Alliyah Desantos	Anthony Wayne Pridemore II	Robert John Tough
Roey Hadad	Rosie Kristen Sanchez	David Thomas Whitelaw
Phillip Frances Hollar	Peter Carmen Shinn	Bessie Wiley
Shabree Houston		

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

Rhonda Jean Bantag	Desmond Goldson	Evans Pierre
James Dale	Lindsey Carole Houston	Ana Maria Sanin
Miguel Angel Diaz Delucca	Mark Edward Hutchinson	Tranita L. Sapp
Eddie Funchess	Tyler James Allen Orrick	Ernest Frederick Scally

### **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 4:00 p.m. until 8:30 a.m. tomorrow.

## December 13, 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 13th day of December, 2017.

### COMMISSIONERS

Chair Thomas Luzier  
Vice-Chair Patricia Fitzgerald  
Chip Boring  
Dick Fryer  
Poul Hornsleth  
Randy Schwartz

Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

### STAFF

Katy McGinnis, Director  
Lori Crawford, Executive Director  
Sara Kimmig, Bureau Chief  
Brande Miller, Deputy Chief Attorney  
Crystal Stephens, Assistant General Counsel  
Warren Sanger, Operations Support Unit Supervisor  
Mike Davis, Regulatory Specialist, Supervisor/Consultant  
American Court Reporting, Inc. (407) 896-1813 provided court services.

## Reports

The Division staff presented the following reports:

Enforcement Trends and Escrow Audits Reports  
Unlicensed Activity Report  
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 6 Escrow Disbursement Orders, and 2 Orders for the Commission's consideration. The Commission entered into discussion. Commissioner Hornsleth moved to accept all 6 of the Escrow Disbursement Orders, and the 2 remaining Orders; Vice-Chair Fitzgerald seconded the motion; the motion passed without dissent.

### Legal Appearance Docket

#### **Tab E – Felicia L. Rouse, SL 3350310; Case No. 2017007217 – Respondent's Request for Informal Hearing**

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

Mr. David represented the department and presented the case to the Commission. After discussion, Commissioner Hornsleth moved; seconded by Commissioner Boring to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Boring; the motion passed 4-1 to impose the following sanctions:

**Penalty imposed:** 3 month suspension; investigative costs of \$297.00; 2 complete FREC general meetings; 6 month probation. **Violation(s):** Section 475.25(1)(f), Florida Statutes in one or more of following ways: by entering a plea of nolo contendere to and being adjudicated guilty of the crime of Filing a False and Fraudulent Insurance Claim.

**Tab G – Tammy Lynn Weatherford, BK 3284979; Case No. 2016047635 – Settlement Stipulation**

Respondent was present; Respondent was represented by Jamie Moses, Esquire, present. Vice-Chair Fitzgerald was 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 Fryer moved; seconded by Commissioner Boring; motion passed 3-2 to modify and accept the Settlement Stipulation.

**Penalty:** Administrative fine of \$2,500.00; investigative costs of \$165.00; 2 complete FREC general meetings. **Violation(s):** Section 475.42(1)(b), Florida Statutes, when she operated as a sales associate for Fierce while her license was registered with Brokerage; Section 475.42(1)(d), Florida Statutes, when she, d/b/a Fierce Co., collected money from the sale of Subject Property without the express consent of her employer; Section 455.227(1)(j), Florida Statutes, by aiding Fierce Co. in broker activities prior to its initial license date.

**Action Taken:** Settlement Stipulation modified and accepted

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

Respondent was 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 Commission entered into discussion. Commissioner Hornsleth moved, seconded by Vice-Chair Fitzgerald to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Fitzgerald; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of \$280.50. **Violation(s):** Section 475.25(1)(f), Florida Statutes in one or more of following ways: by entering a plea of guilty to the felony offense of Exploitation of an Elderly Person in the Circuit Court of the 13th Judicial Circuit in and for Hillsborough County.

**Tab C – Marchand Realty LLC, CQ 1048672; Case No. 2017003643; Tab D – Eric Marchand, BK 3264336; Case No. 2016048382 – Settlement Stipulation**

Respondent was present; Respondent was not represented by counsel. Commissioner Fryer was 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 Commissioner Boring to accept the Settlement Stipulation; motion passed 4-1.

**Penalty:** Suspension for 6 months; restitution of \$1,450.00; investigative costs of \$280.50; 2 complete FREC general meetings. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to account for or deliver the payment to Complainant upon demand.

**Action Taken:** Settlement Stipulation accepted

**Tab F – Daniel Turner, SL 3227169; Case No. 2017001029 – Respondent’s Request for Reconsideration**

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

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved, seconded by Vice-Chair Fitzgerald to grant the Reconsideration; motion passed without dissent. Commissioner Fryer moved; seconded by Vice-Chair Fitzgerald; the motion passed 4-1 to take the following action:

**Action Taken:** Suspension removed.

**Tab B – Eric 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.

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

**Penalty:** Suspension for 90 days; administrative fine of \$1,500.00; investigative costs of \$141.90.

**Violation(s):** Section 475.25(1)(a), Florida Statutes through a violation of Section 475.42(1)(a), Florida Statutes, by managing Subject Property and collecting rental proceeds therefrom on Owner's behalf from in or around September 2015 through at least in or around July 2016 while his license was in an inactive status; Section 455.227(1)(j), Florida Statutes, by aiding the unlicensed real estate corporation Tri-County Elite Property Management, LLC in the practice of real estate by using the corporation to manage Rental Property and collect rental proceeds therefrom on Owner's behalf.

**Tab H and I – Apartments Aplenty, Inc., CQ 1029538; Case Nos. 2017028007 and 2017029114 – Voluntary Relinquishment of License for Permanent Revocation**

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

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

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

**Tab J and K – Phyllis B. Davis, BK 647590; Case Nos. 2017023635 and 2017024018 – Voluntary Relinquishment of License for Permanent Revocation**

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

Ms. White 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 L – Donna Hansen, SL 336618; Case No. 2017000179 – Voluntary Relinquishment of License for Permanent Revocation**

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

Ms. White 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 M – Brian Albert Hurst, SL 591474; Case No. 2017014101 – Voluntary Relinquishment of License for Permanent Revocation**

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. 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 N-R – Lewis Realty, Inc., CQ 1039208; Case Nos. 2017037211, 2017042525, 2017043852, 2017044024, 2017044026 – Voluntary Relinquishment of License for Permanent Revocation**

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

Ms. Miller represented the department and presented the case to the Commission. Commissioner Hornsleth moved; Commissioner Boring 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-W – Donald J. Pellicer, BK 3245349; Case No. 2017036800, 2017039010, 2017042429, 2017042431, 2017042502 – Voluntary Relinquishment of License for Permanent Revocation**

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

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

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

**Tab X – David Etienne, BK 3276490; Case No. 2016048627 – 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. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Commissioner Boring; motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of \$52.80. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to account for or deliver Gregoire Funds to Buyer; Rule 61J2-5.016, Florida Administrative Code, and thereby violated Section 475.25(1)(e), Florida Statutes, by having Rojas, a sales associate, registered as an officer of the Brokerage.

**Tab Y – Exit Realty Group and Investment, Inc., CQ 1044038; Case No. 2016048570 – Motion for Waiver of Rights and Entry of Final Order**

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

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Vice-Chair Fitzgerald; motion passed without dissent 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:** Revocation; investigative costs of \$145.20. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to account for or deliver Gregoire Funds to Buyer; Rule 61J2-5.016, Florida Administrative Code, and thereby violated Section 475.25(1)(e), Florida Statutes, by having Rojas, a sales associate, registered as one of Respondent's corporate officers.

**Tab Z – Lee Anthony Fragomeno, BK 3243192; Case No. 2016056473 – Motion for Waiver of Rights and Entry of Final Order**

Case continued 1 month.

**Tab AA – Yosef Harosh LLC, SL 3023114; Case No. 2016009513 – 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. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Commissioner Boring; motion passed without dissent to impose the following sanctions:

**Penalty:** Suspension for 90 days; administrative fine of \$2,500.00; 14 hour core law course; attend 1 complete FREC general meeting; probation for 6 months. **Violation(s):** Section 475.42 (1)(b), Florida Statutes (2015), and thereby violating Section 475.25(1)(e), Florida Statutes (2015), by being a licensed sales associate and operating as a broker, by facilitating a lease transaction without being under the direction, control, or management of his broker; Section 475.25(1)(d)1, Florida Statutes (2015), by failing to timely remit Beachfront's portion of the commission for the rental transaction, upon demand; Section 475.25(1)(d), Florida Statutes (2015), by failing to place the commission funds with Vazquez.

**Tab AB – Ricardo Salcedo Rojas, SL 3308576; Case No. 2016045896 – 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. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Boring; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved; seconded by Commissioner Boring; motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; \$145.20 investigative costs. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to account for or deliver Gregoire Funds to Buyer; Rule 61J2-5.016, Florida Administrative Code, and thereby violated Section 475.25(1)(e), Florida Statutes, by being registered as a sales associate and an officer of the Brokerage.

**Tab AC – Justin Teke, BK 477928; Case No. 2017002390 – 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 was recused due to participation on the probable cause panel.

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; 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 \$217.80. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to account for or deliver Ozdemir Funds to Buyer, as is required by law; Section 475.25(1)(k), Florida Statutes, when he failed to place Ozdemir Funds into an escrow or trust account; Section 475.25(1)(b), Florida Statutes, including but not limited to one or more of the following ways: by remitting Deeds purporting to grant ownership of Subject Properties to Buyer, that were never executed by the owner or recorded in the county office; by failing to account for or deliver Ozdemir Funds to Buyer; by failing to place Ozdemir Funds into an escrow or trust account.

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

**Tab A – *The Code of Ethics* – New Course (3 hours, classroom) – Application No. 30883 – Bonita Springs – Estero 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 3 hours; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab B – *The Code of Ethics: Our Promise of Professionalism* – New Course (3 hours, classroom) – Application No. 30863 – Greater Tampa Association of Realtors Real Estate School**

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course for 3 hours; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab C – *Code of Ethics: Our Promise of Professionalism* – New Course (3 hours, classroom) – Application No. 30781 – Giumenta School of Real Estate**

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course for 3 hours; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab D – *The Code of Ethics: Our Promise of Professionalism* – New Course (3 hours, classroom) – Application No. 30734 – Lakeland 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 3 hours; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab E – *14 Hour Real Estate Continuing Education Course* – New Course (14 hours, classroom) – Application No. 30897 – Larson Educational Services**

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the course for 14 hours; Commissioner Schwartz seconded the motion. The motion passed without dissent.

**Tab F** – *The Code of Ethics: Our Promise of Professionalism* – New Course (3 hours, classroom) – Application No. 30951 – Naples Area Board 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 3 hours; Vice-Chair Fitzgerald seconded the motion. The motion passed without dissent.

**Tab G** – *Ethics & Business Practices* – New Course (3 hours, classroom) – Application No. 30784 – Navarre Area Board 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 3 hours; Vice-Chair Fitzgerald seconded the motion. The motion passed without dissent.

**Tab H** – *Ethics* – New Course (3 hours, classroom) – Application No. 30792 – Northeast 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 3 hours with conditions; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

**Tab I** – *Ethics is good for business* – New Course (3 hours, classroom) – Application No. 30762 – Ocala/Marion County Association of Realtors, Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course for 3 hours; Commissioner Schwartz seconded the motion. The motion passed without dissent.

**Tab J** – *Going Green: For Real Estate Agents* – New Course (1 hour, classroom) – Application No. 30662 – Preferred Systems Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the course for 1 hour; Commissioner Boring seconded the motion. The motion passed without dissent.

**Tab K** – *The Realtors Code of Ethics* – New Course (3 hours, classroom) – Application No. 30907 – Space Coast Association of Realtors, Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course for 3 hours; Commissioner Schwartz seconded the motion. The motion passed without dissent.

**Tab L** – *Ethical & Professional Real Estate Brokerage Management* – New Course (3 hours, classroom) – Application No. 30937 – Trans Equity Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course for 3 hours with conditions; Commissioner Boring seconded the motion. The motion passed without dissent.

**Tab N** – *Critical Thinking for Real Estate Agents* – New Course E & B (3 hours, classroom) – Application No. 30939 – Trans Equity Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course for 3 hours; Commissioner Boring seconded the motion. The motion passed without dissent.

**Tab M** – *Code of Ethics: Our Promise of Professionalism* – New Course (3 hours, classroom) – Application No. 30938 – Trans Equity Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course for 3 hours; Commissioner Schwartz seconded the motion. The motion passed without dissent.

**Tab O** – *Code of Ethics: Professional Standards Training* – New Course (3 hours, classroom) – Application No. 30944 – Trans Equity Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course for 3 hours; Commissioner Schwartz seconded the motion. The motion passed without dissent.

**Tab P** – *Code of Ethics: Pathways to Professionalism* – New Course (3 hours, classroom) – Application No. 30945 – Trans Equity Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course for 3 hours; Commissioner Schwartz seconded the motion. The motion passed without dissent.

### **General Session continued**

#### **Communication from Jorge Villarreal regarding Instructor’s License**

After discussion, Commissioner Fryer moved to deny the request for exemption for instructor’s license; Vice-Chair Fitzgerald seconded the motion. The motion passed without dissent.

### **Rule Discussion**

#### **Rules Report**

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

#### **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. After discussion, Commissioner Fryer moved to adopt the rule language as presented; seconded by Commissioner Hornsleth.

FREC Counsel Barnhart requested the Commission review the Statement of Estimated Regulatory Costs for consideration. Commissioner Fryer moved to accept the department’s proposed Statement of Estimated Regulatory Costs; seconded by Commissioner Boring; the motion passed without dissent.

FREC Counsel Barnhart requested the Commission determine whether a violation of this rule or any part of this rule be designated a minor violation. Commissioner Fryer moved that any violation of this rule would not be a minor violation; Commissioner Schwartz seconded the motion; the motion passed without dissent.

#### **Rule 61J2-3.008 – Pre-licensing Education for Broker and Sales Associate Applicants**

Commissioner Hornsleth moved to continue discussion 1 month; Commissioner Fryer seconded the motion. The motion passed without dissent.

#### **Rule 61J2-3.020 – Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees**

Commissioner Hornsleth moved to continue discussion 1 month; Commissioner Fryer seconded the motion. The motion passed without dissent.

**Director's Comments**

Director McGinnis discussed interest in attending ARELLO conference in April with Commission.

**Public Comments**

The Commission offered but did not receive any public comments.

**Adjournment**

There being no further business and no objection, the Chair adjourned the meeting at approximately 12:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for January 16 and 17, 2018, in Orlando, Florida.



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Thomas Luzier, Chair  
Florida Real Estate Commission



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Lori Crawford, Executive Director  
Florida Real Estate Commission