

Jonathan Zachem, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
February 20 and 21, 2018
General Meeting**

February 20, 2018

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 20th day of February, 2018.

COMMISSIONERS

Chair Thomas Luzier
Vice-Chair Patricia Fitzgerald
Dick Fryer
Patti Ketcham
Poul Hornsleth
Guy Sanchez
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
Denise Johnson, Deputy Director
Lori Crawford, Executive Director
Al Cheneler, Chief Attorney
Warren Sanger, Operations Support Unit Supervisor
Janice Lugo, Regulatory Consultant
Meagan McAvoy, Regulatory Specialist III
Mike Davis, Regulatory Supervisor/Consultant
Dorothy Carter, Regulator Specialist III
American Court Reporting, Inc. (407) 896-1813 provided court services.

Summary of Applicants

Regulatory Supervisor Mike Davis presented 84 Summary of Applicants requesting to sit for the real estate examination.

Agenda A

1. Tab A – Vanessa Arias, informal, not present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
2. Tab B – Ira Rutledge Crouse, informal, not present – Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
3. Tab C – Kelly Anne Gaeger, informal, not present – Application continued
4. Tab D – Dwight Edwin Anderson, not present – Application continued
5. Tab E – Vigny S. Arduz, present – Broker application approved; Commissioner Schwartz/Commissioner Fryer; 6-1 vote.

6. Tab F – Anthony F. Breitbach, not present – Application continued
7. Tab G – Italo Daniel Campodonico, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
8. Tab H – Willy Castillo, present – Sales associate application approved; Commissioner Schwartz/Commissioner Hornsleth; unanimous vote.
9. Tab I – Robert Paul Cervený Jr., present – Sales associate application denied; Commissioner Schwartz/Commissioner Ketcham; unanimous vote.
10. Tab J – Max Claircius, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
11. Tab K – Samantha Combs, present; Attorney, Nancy Campiglia, Esquire, present – Sales associate application denied; Commissioner Schwartz/Commissioner Sanchez; 5-2 vote.
12. Tab L – Max Contador, not present; Attorney, Steven Johnson, Esquire, present – Sales associate application denied; Commissioner Ketcham/Commissioner Schwartz; 4 to 2 vote.
13. Tab M – Luis Ricardo Cordova, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
14. Tab N – Jose Humberto Cortes, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 4-3 vote.
15. Tab O – Nicholas Critelli, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
16. Tab P – David Michael Decker, present; Attorney, Steven Johnson, Esquire, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
17. Tab Q – Christian Joseph Devere, not present – Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
18. Tab R – Thomas Graydon Dunlap, present; Attorney, Steven Johnson, Esquire, present – Application withdrawn
19. Tab S – Dallas Perry Dkys, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
20. Tab T – Heath David Evans, present; Attorney, Daniel Villazon, Esquire, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote
21. Tab U – Desmond Goldson, present; Attorney, Daniel Villazon, Esquire, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote
22. Tab V – Sheila Grace, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
23. Tab W – William David Griffin, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 5-2 vote
24. Tab X – Lynda V. Harris, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Hornsleth; 6-1 vote.
25. Tab Y – Victoria Juanita Hartley, present – Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

26. Tab Z – Michael Haulsee, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
27. Tab AA – Johnny Joseph, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 6-1 vote.
28. Tab AB – Henry Linder, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 6-1 vote.
29. Tab AC – Charmayne Sherrie Luckey, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
30. Tab AD – Matthew E. Mayers, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
31. Tab AE – Vincent G. Minervino, not present – Sales associate application denied; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.
32. Tab AF – Medina Otniel Mojarrieta, present; interpreter, present – Sales associate application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
33. Tab AG – Tyler James Allen Orrick, present; Attorney, Nancy Campiglia, Esquire, present – Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
34. Tab AH – James Prouty, present – Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; 5-2 vote.
35. Tab AI – Jorge Ramos, present; interpreter, present; Attorney, Daniel Villazon, Esquire, present – Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
36. Tab AJ – Reginald Randall, present – Sales associate application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; 4-3 vote.
37. Tab AK – Jacquelyn Shepard, present – Sales associate application denied; Commissioner Fryer/Commissioner Ketcham; unanimous vote.
38. Tab AL – Gail Solivan, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
39. Tab AM – William Sosa, present; interpreter, present; Attorney Daniel Villazon, Esquire, present – Sales associate application denied; Vice-Chair Fitzgerald/Commissioner Fryer; unanimous vote.
40. Tab AN – Daniel Torres, present – Sales associate application approved; Vice-Chair Fitzgerald/Commissioner Fryer; 6-1 vote.
41. Tab AO – Cedric Jerome Whitehead, not present – Sales associate application denied; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
42. Tab AP – Jason Brook Wilson, not present – Application continued
43. Tab AQ – Samantha Lou Wilson, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
44. Tab AR – Velma Maria Xavier, present – Sales associate application approved; Vice-Chair Fitzgerald/Commissioner Schwartz; unanimous vote.
45. Tab AS – Velisha Grace Young, present – Sales associate application denied; Commissioner Schwartz/Commissioner Sanchez; 4-3 vote.

Agenda B

46. Tab A – Vanessa Marie Zaharias Astrinakis, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
47. Tab B – Fred Berrouet, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote
48. Tab C – Kourtnei Tyrone Brown, not present – Sales associate application approved; Commissioner Hornsleth/Commissioner Ketcham; unanimous vote
49. Tab D – Roland Cherasard, present – Application withdrawn
50. Tab E – Kar Wai Chu, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote
51. Tab F – Maurice Davison, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Hornsleth; 4-3 vote.
52. Tab G – Bradley Michael Downey, present – Sales associate application approved; Vice-Chair Fitzgerald/Commissioner Fryer; unanimous vote.
53. Tab H – Michael Fidanza, present – Sales associate application approved; Commissioner Schwartz/Commissioner Sanchez; unanimous vote.
54. Tab I – Amanda Garcia, not present – Sales associate application denied; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
55. Tab J – Maurico Garrido, present – Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
56. Tab K – Angello Martin Georgaros, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
57. Tab L – Tamara Ista Movna Goldshteyn, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
58. Tab M – Majid M. Hawari, not present – Application continued
59. Tab N – Gary L. Hooker, present – Sales associate application denied; Commissioner Fryer/Commissioner Ketcham; unanimous vote.
60. Tab O – Tara Ann Husarik, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
61. Tab P – David Johnston, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
62. Tab Q – Daniel Brice Kenyon, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
63. Tab R – Anhthy Lam, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
64. Tab S – George W. Lambro, present – Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
65. Tab T – Willie Melvin Langley, present – Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

66. Tab U – Kevin Le, present – Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
67. Tab V – Travis Martin, not present – Sales associate application denied; Vice-Chair Fitzgerald/Commissioner Sanchez; unanimous vote.
68. Tab W – Glorybell Martinez, present – Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; 4-3 vote.
69. Tab X – Jennifer Marie Milone, present; Attorney, Nancy Campiglia, Esquire, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
70. Tab Y – Kristopher Aaron Monroe, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 4-3 vote.
71. Tab Z – Travis Seneca Morgan, present – Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; unanimous vote.
72. Tab AA – Barbara Maria Ordunez, present; Attorney, Nancy Campiglia, Esquire, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Schwartz; 4-3 vote.
73. Tab AB – Nancy Daisy Quinonez, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 6-1 vote.
74. Tab AC – Nangel Ramirez, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote
75. Tab AD – Steven Keith Rice, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote
76. Tab AE – Christopher Joseph Rukab, not present – Application continued
77. Tab AF – Maria Soroka, not present – Application continued
78. Tab AG – Dennis Swerdlen, present – Sales associate application denied; Commissioner Schwartz/Commissioner Hornsleth; unanimous vote.
79. Tab AH – Andrew M. Thomas, not present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 6-1 vote.
80. Tab AI – Valerie Vaccaro, present – Broker application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
81. Tab AJ – Carlos Adrian Vera, not present – Application continued
82. Tab AK – Maria Zuniga, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
- Agenda C
83. Tab A – Guichard Cebert, not present, informal – Application continued
84. Tab B – Equan Sakhu Shabazz, not present – Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

Consent Agenda A

The Commission considered 35 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commissioner Sanchez to approve 21 applicants and require 14 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Blevins, James	Giron, Bryan	Rogers, Jeremy
Brower, Leigh	Joseph, Joe Lewis Jr.	Ross, Justin
Brown, Keyatta	Krieger, Shannon Leigh	Sanchez, Anarda
Chalas, Robert Michael	Marshall, Natalie Elaine	Soricello, Siedah Catrine
Church, Darryl	Nedelcovych, Sava	Washington, Kiara M.
Cordero, Christopher	Quattrucci, Jeffrey	Williams Fountain, Chiquita
Cummings, Wayne Douglas	Rios, Yoandy	Williams, Prentice John

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

Beacham, Kip Rodney Jr.	Love, Shemekkia Martell	Rendel, Bidony
Brown, Felipe	Morris, Shelby	Rentschler, Travis
Duroseau, Hoppy Elvis	Mungai, Fredrick Mbui	Sequeira, Richard Anthony
Hills, Joshua Lyman	Nicolas, Rodney	Sirichoonchan, Siritut Nik
Lafuze, Brittany J	Podgorski, Johnathon	Smalarz, Christine

Consent Agenda B

The Commission considered 22 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 10 applicants and require 12 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Ajuria, Edgar E.	Gallego, Christian	Reed, Roger
Barnes, Brian Andrew	Jones Smith, Sabrina Denise	Schwartz, Zachary David
Cherenfant, Waterloo Jr.	Mildenberger, Paul Kurt	Senecal, Isaiah H.
Frenock, Andrew E.		

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

Butler, William J.	Loomis, Timothy Robert	Robinson, Robert E II
Collins, Tammy Jo	Mansfield, Breanna	Saleem, Gordon
Dazza, Zenia Elsy	Penny, Robert	Sepulveda, Angel Miguel
Kehrig, Timothy M.	Rivera, Jay	Teachey, Malcolm

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 5:00 p.m. until 8:30 a.m. tomorrow.

February 21, 2018

Chair Luzier reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 21st day of February, 2018.

COMMISSIONERS

Chair Thomas Luzier
Vice-Chair Patricia Fitzgerald
Dick Fryer
Poul Hornsleth
Patti Ketcham
Guy Sanchez
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
Denise Johnson, Deputy Director
Lori Crawford, Executive Director
Al Cheneler, Deputy Chief Attorney
Warren Sanger, Operations Support Unit Supervisor
Mike Davis, Regulatory Specialist, Supervisor/Consultant
Dorothy Carter, Regulatory Specialist III
American Court Reporting, Inc. (407) 896-1813 provided court services.

Reports

Enforcement Trends and Escrow Audits Reports

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

Unlicensed Activity Report

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

Monthly Exam Performance Summary Report

Executive Director Crawford presented the monthly Exam Performance Summary Reports and addressed questions and comments from the Commission.

Application and License Count Reports

Operations Support Unit Supervisor, Warren Sanger presented the Application and License Count Report and addressed questions and comments from the Commission.

Legal Case Activity Report

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

Legal Agenda Schedule

Escrow Disbursement Orders – Agenda A

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 6 of the 8 Escrow Disbursement Orders, and the 4 remaining Orders; Commissioner Fryer seconded the motion; the motion passed without dissent.

Escrow Disbursement Orders – Agenda B

Chief Attorney Cheneler presented 7 Escrow Disbursement Orders, and 2 Orders for the Commission's consideration. The Commission entered into discussion. Commissioner Fryer moved to accept 7 Escrow Disbursement Orders, and 2 remaining Orders; Commissioner Hornsleth seconded the motion; the motion passed without dissent.

Recovery Fund Claims

Tab A – Mozammel Hussain v Gerry Alter, DBPR Case No. 2015-051413

Mr. David presented the above matter to the Commission. Neither the Licensee nor the Claimant was present. The Licensee was not 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 \$17,000.00. Commissioner Fryer seconded the motion. The motion passed without dissent.

Tab B – Michael A. Salvatore v Rick T. Rapp, DBPR Case No. 2016-025433

Mr. David presented the above matter to the Commission. Neither the Licensee nor the Claimant was present. The Licensee was not present. Mr. David recommended the Commission deny the request. The Commission considered the facts and circumstances. Mr. David recommended the Commission denial of the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to deny the Final Order Granting the Recovery Fund Claim. Commissioner Fryer seconded the motion. The motion passed without dissent.

Legal Appearance Docket

Tab A – Maria Camila Murata, BK 3349633; Case No. 2016023591 – Recommended Order

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

Ms. Stephens represented the department and presented the case to the Commission. After discussion, Commissioner Schwartz moved; seconded by Commissioner Ketcham to adopt the Findings of Fact and Conclusions of Law and accept the Recommended Order imposing the following sanctions:

Penalty imposed: Suspension for 2 months; administrative fine of \$2,250.00; investigative costs of \$1,427.25. **Violation(s):** Section 472.25(1)(d)1, Florida Statutes, as Friendly Realty collected funds for the Subject Rental but Respondent failed to remit the full amount of these funds to Felony upon lawful demand or as otherwise provided by law; Section 475.25(1)(u), Florida Statutes, when she failed to adequately supervise the actions of her sales associate; Section 475.5015, Florida Statutes, by failing to provide the transaction file and all supporting documents connected with the Subject Rental, as well as complete escrow reconciliation records and banks statements for Friendly Realty's escrow account; Section 475.25(1)(b), Florida Statutes, in one or more of the following ways: By receiving funds for the Subject Rental but failing to remit these funds to Felony upon lawful demand or as otherwise provided by law; By failing to adequately supervise the actions of her sales associate; and/or; By failing to provide the transaction file and all supporting documents connected with the Subject Rental, as well as complete escrow reconciliation records and banks statements for Friendly Realty's escrow account.

Action taken: Adopted Recommended Order.

Tab E – Withers and Associates Realty, LLC, CQ 1035936; Case No. 2016037915 – Respondent's Request for Informal Hearing

Respondent was present; Respondent was represented by Adrian Middleton, Esquire, present. Chairman Luzier 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 Schwartz moved, seconded by Commissioner Sanchez to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Schwartz moved; seconded by Commissioner Sanchez; the motion passed without dissent to impose the following sanctions:

Penalty: Revocation; investigative costs \$874.50. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to timely deliver all rental funds to the Kilker, upon demand; Section 475.5015, Florida Statutes, and thereby violating Section 475.25(1)(e), Florida Statutes, by failing to keep and make available to the department the brokerages bank statements, monthly reconciliation statements, and other documents necessary to ensure the brokerage's compliance with Chapter 475, Florida Statutes; Section 475.25(1)(k), Florida Statutes, when it failed to place rental funds in an escrow or trust account.

Tab F – Daniel C. Withers, BK 3229906; Case No. 2016033811 – Respondent's Request for Informal Hearing

Respondent was present; Respondent was represented by Adrian Middleton, Esquire, present. Chairman Luzier 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 Schwartz moved, seconded by Commissioner Fryer to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Schwartz moved; seconded by Commissioner Fryer; the motion passed without dissent to impose the following sanctions:

Penalty: Revocation. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to timely deliver all rental funds to the Kilker, upon demand; Section 475.5015, Florida Statutes, and thereby violating Section 475.25(1)(e), Florida Statutes, by failing to keep and make available to the department WAR's bank statements, monthly reconciliation statements, and other documents necessary to ensure the brokerage's compliance with Chapter 475, Florida Statutes; Section 475.25(1)(k), Florida Statutes, when he failed to place rental funds in an escrow or trust account; Section 475.25(1)(b), Florida Statutes, including in one or more of the following ways: by failing to immediately place rental funds into an institution or account holding trust powers; by failing to timely remit rental proceeds.

Tab G – Daniel C. Withers, BK 3229906; Case No. 2016033728 – Respondent's Request for Informal Hearing

Respondent was present; Respondent was represented by Adrian Middleton, Esquire, present. Chairman Luzier 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 Commissioner Sanchez to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Sanchez; the motion passed without dissent to impose the following sanctions:

Penalty: Revocation. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to timely deliver all rental funds to the Brown, upon demand; Section 475.5015, Florida Statutes, and thereby violating Section 475.25(1)(e), Florida Statutes, by failing to keep and make available to the department WAR's bank statements, monthly reconciliation statements, and other documents necessary to ensure the brokerage's compliance with Chapter 475, Florida Statutes; Section 475.25(1)(k), Florida Statutes, when he failed to place rental funds in an escrow or trust account; Section 475.25(1)(b), Florida Statutes, including in one or more of the following ways: by failing to immediately place rental funds into an institution or account holding trust powers; by failing to timely remit rental proceeds.

Tabs H & I – Cindy Lee Realty, LLC, CQ 1046085; Case Nos. 2016048345, 2016048402 – Settlement Stipulation

Respondent was present; Respondent was represented by Steven Johnson, Esquire, present. 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. After discussion Vice-Chair Fitzgerald moved; seconded by Commissioner Ketcham; motion passed without dissent to accept the Settlement Stipulation.

Penalty: Administrative fine of \$500.00; investigative costs of \$627.00; 6 month probation. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to timely deliver the Funds to Feingersch upon demand. Section 475.25(1)(b), Florida Statutes, by failing to timely deliver the Funds to Feingersch upon demand.

Action Taken: Settlement Stipulation accepted.

Tab K & L – Cindy Delorise Lee, BK 3168002; Case No. 2016048156, 2016048161 – Settlement Stipulation

Respondent was present; Respondent was represented by Steven Johnson, Esquire, present. 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. After discussion Commissioner Hornsleth moved; seconded by Commissioner Vice-Chair Fitzgerald; motion passed without dissent to accept the Settlement Stipulation.

Penalty: Administrative fine of \$1,000.00; investigative costs of \$742.50; 1 complete FREC general meeting; 4 hour escrow management course. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to timely deliver the Funds to Feingersch upon demand; Florida Statutes, by failing to timely deliver the Funds to Feingersch upon demand.

Action Taken: Settlement Stipulation accepted.

Tab J – Heather Grimes, BK 406910; Case No. 2016028021 – Settlement Stipulation

Respondent was not present; Respondent was represented by Steven Johnson, Esquire, present. Commissioner Sanchez was recused due to participation on the probable cause panel.

Case continued.

Tab N – Stephen Coapes Brinley, SL 505061; Case No. 2017018479 – Motion for Waiver of Rights and Entry of Final Order

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

Ms. Stephens represented the department and presented the case to the Commission. Commissioner Ketcham moved; Commissioner Sanchez seconded the motion to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Ketcham; the motion passed 5 to 1 to impose the following sanctions:

Penalty: Suspension for 6 months; administrative fine \$2,500.00; investigative costs \$211.20; attend 2 complete FREC general meetings; 6 months probation. **Violation(s):** Section 475.25(1)(b), Florida Statutes, when he acted fraudulently, dishonestly and/or breached the trust of Moreland when he occupied Subject Property without the consent or permission of Moreland.

Tab M – Constance A. Ables, BK 3209292; Case No. 2017009452 – Motion for Waiver of Rights and Entry of Final Order

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

Ms. Bhambhani represented the department and presented the case to the Commission. Commissioner Fryer moved; Commissioner Hornsleth seconded the motion to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Hornsleth; the motion passed 5 to 1 to impose the following sanctions:

Penalty: Administrative fine of \$2,000.00; investigative costs of \$363.00; 28 hour reactivation course; attend 2 complete FREC general meetings. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to after receiving conflicting demands, timely request the Commission issue an escrow disbursement order, submit the matter to arbitration, seek adjudication of the matter by court, or submit the matter to mediation; Section 475.25(1)(e), Florida Statutes through a violation of Rule 61J2-10.032(1)(a), Florida Administrative Code, in one or more of the following ways: By failing to timely notify the Commission within 15 business days of receiving conflicting demands for the Escrow Deposit; By failing to institute one of the settlement procedures set forth in Section 475.25 (1)(d)1., Florida Statutes, within 30 business days of the last party's demand for the Escrow Deposit; Section 475.25(1)(b), Florida Statutes, by: Failing to timely institute one of the settlement procedures set forth in Section 475.25(1)(d)1., Florida Statutes, within 30 business days of the last party's demand for the Escrow Deposit; and; By falsely claiming that a request for an escrow disbursement order had been properly submitted to the Commission.

Tab O – Gainesville Real Estate Two, LLC, CQ 1037277; Case No. 2017009457 – Motion for Waiver of Rights and Entry of Final Order

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

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

Penalty: Administrative fine of \$500.00; investigative costs of \$280.50. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to after receiving conflicting demands, timely request the Commission issue an escrow disbursement order, submit the matter to arbitration, seek adjudication of the matter by court, or submit the matter to mediation; Section 475.25(1)(e), Florida Statutes through a violation of Rule 61J2-10.032(1)(a), Florida Administrative Code, in one or more of the following ways: By failing to timely notify the Commission within 15 business days of receiving conflicting demands for the Escrow Deposit; By failing to institute one of the settlement procedures set forth in Section 475.25 (1)(d)1., Florida Statutes, within 30 business days of the last party's demand for the Escrow Deposit; Section 475.25(1)(b), Florida Statutes, by: Failing to timely institute one of the settlement procedures set forth in Section 475.25(1)(d)1., Florida Statutes, within 30 business days of the last party's demand for the Escrow Deposit; and; By falsely claiming that a request for an escrow disbursement order had been properly submitted to the Commission.

Tab D – Christopher Vellanti, SL 520632; Case No. 2017001321 – Respondent's Request for Informal Hearing

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

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

Tab E – *SAFE Federal Laws, Regulations, & Ethics* – New Course (8 hours, classroom) – Application No. 31038 – Florida Mortgage Broker School

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Schwartz seconded the motion. The motion passed 5-2.

Tab F – *Florida 14 Hour Continuing Education* – New Course (14 hours, distance) – Application No. 31683 – Institute of Real Estate Education LLC

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

Tab G – *National USPAP Update (2018-2019)* – New Course (7 hours, classroom) – Application No. 31387 – McKissock LP

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

Tab H – *The Doctor is in: Diagnosing Your Risk Management* – New Course (3 hours, distance) – Application No. 31480 – McKissock LP

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

Tab I – *Online Correspondence: 14-Hours of Hot Topics for a Competitive Edge* – New Course (14 hours, distance) – Application No. 31719 – 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 Sanchez seconded the motion. The motion passed without dissent.

Tab J – *Limited Scope Appraisals and Appraisal Report Staying Compliant and Competitive* – New Course (3 hours, classroom) – Application No. 31681 – McKissock LP

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

Agenda B, Tab A – *Ethics in Real Estate* – Informal, New Course (3 hours, classroom) – Application No. 31040 – David Collins Schools LLC

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to vacate the Notice of Intent to Deny and approve the course; Commissioner Sanchez seconded the motion. The motion passed without dissent.

General Session continued

Rule Discussion

Rules Report

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

Rule 61J2-10.026 – Team or Group Advertising

FREC Counsel Barnhart presented the final approved draft of Rule 61J2-10.026 and requested the Commission withdraw the previous Statement of Estimated Regulatory Costs (SERC) and consider the new SERC checklist. Commissioner Fryer moved to accept the Department's proposed determination that there is no impact on small businesses; seconded by Vice-Chair Fitzgerald; 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; Vice-Chair Fitzgerald seconded the motion; the motion passed without dissent.

Rule 61J2-3.011 – Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees

FREC Counsel Barnhart presented an amended proposed draft of Rule 61J2-3.020 for discussion. The Commission addressed comments from industry members. Upon conclusion of the discussion, Commissioner Fryer moved to adopt the proposed language as amended; Vice-Chair Fitzgerald 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 Vice-Chair Fitzgerald; 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; Vice-Chair Fitzgerald seconded the motion; the motion passed without dissent.

General Session continued

FREC – Petitions

Petition for Declaratory Statement received from Zachery Davis-Walker. – DS 2017-081

FREC Counsel Barnhart presented a Petition for Declaratory Statement together with a supplement received from the Petitioner for the Commission's review and consideration. Petitioner was not present. The Commission entered into discussion. Vice-Chair Fitzgerald moved; Commissioner Fryer seconded the motion to request further clarification. The motion passed without dissent.

Petition for Declaratory Statement received from Debra Johnson. – DS 2017-082

FREC Counsel Barnhart presented a Petition for Declaratory Statement together with a supplement received from the Petitioner for the Commission's review and consideration. Petitioner was not present. The Commission entered into discussion. Vice-Chair Fitzgerald moved; Commissioner Ketcham seconded the motion to issue a Final Order Granting Petition for Declaratory Statement with conditions. The motion passed 6-1.

Petition for Declaratory Statement received from Serber & Associates. – DS 2017-084

FREC Counsel Barnhart presented a Petition for Declaratory Statement together with a supplement received from the Petitioner for the Commission's review and consideration. Petitioner was not present. The Commission entered into discussion. Vice-Chair Fitzgerald moved; Commissioner Fryer seconded the motion to issue a Final Order Granting Petition for Declaratory Statement. The motion passed 5-2.

Special Agenda

Discussion Relating to Broker Qualification Standards

Chair Luzier assigned research of other states to Commission and deferred until March FREC Meeting.

Request for Extension of Notice of Intent to Deny – Austin Butler

Request from Austin Butler for extension of Notice of Intent to Deny. Commissioner Fryer moved to approve the request; seconded by Commissioner Hornsleth. Motion passed without dissent.

Public Comments

There was 1 comment from a member of the audience. The comment was addressed by the Commission.

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 March 20 and 21, 2018, in Orlando, Florida.

Thomas Luzier, Chair
Florida Real Estate Commission



Lori Crawford, Executive Director
Florida Real Estate Commission