

Jonathan Zachem, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
September 18 and 19, 2018
General Meeting**

September 18, 2018

Chairperson Thomas Luzier called the meeting of the Florida Real Estate Commission to order at approximately 8:30 a.m., in Orlando, Florida, on this Tuesday, the 18th of September 2018.

Commissioners

Chair Thomas Luzier
Vice-Chair Patricia Fitzgerald
Dick Fryer
Poul Hornsleth
Patti Ketcham
Guy Sanchez
Randy Schwartz

Ms. Marlene Stern, Senior Assistant Attorney General appeared as counsel for the Commission. Ms. Stern declared quorum present.

Staff

Katy McGinnis, Director
Lori Crawford, Executive Director
Al Cheneler, Chief Attorney
Allison McDonald, Deputy Chief Attorney
Janice Lugo, Operations Support Supervisor
Meagan McAvoy, Regulatory Specialist III
Beverly Ridenauer, Government Analyst II
Whitley Ward, Government Analyst I
American Court Reporting, Inc. (407) 896-1813 provided court services.

Summary of Applicants

Government Analyst, Whitley Ward, presented 70 Summary of Applicants requesting to sit for the real estate examination.

1. Agenda B, Tab V – Maria Hortencia Pinto, present with interpreter; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 5-2 vote.
2. Agenda A, Tab J – Dennis Scott Eisnaugle, present; represented by Nancy Campiglia, Esquire, present; Sales associate application approved; Commissioner Sanchez/Commissioner Schwartz; 6-1.
3. Agenda A, Tab K – Mark Edward Fry, not present; represented by Nancy Campiglia, Esquire, present; Broker application denied; Commissioner Fryer/Vice-Chair Fitzgerald; 4-3 vote.
4. Agenda A, Tab O – Denise Henry, present; represented by Nancy Campiglia, Esquire, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

5. Agenda A, Tab AJ – Shad Grey, present; represented by Nancy Campiglia, Esquire, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
6. Agenda A, Tab AK – Kathleen Anne Thressler , present; represented by Nancy Campiglia, Esquire, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
7. Agenda A, Tab W – Sonya Partridge, not present; represented by Nancy Campiglia, Esquire, present; Sales associate application approved; Vice-Chair Fitzgerald/Commissioner Schwartz; 6-1 vote.
8. Agenda B, Tab A – Orlando Nelson Aviles, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; 5-2 vote.
9. Agenda B, Tab O– Dara M. Hughes, present; represented by Daniel Villazon, Esquire, present; Sales associate application approved; Commissioner Schwartz/Commissioner Hornsleth; 5-2 vote.
10. Agenda A, Tab A – Ahmed Abdellatif, present; Sales associate application approved; Commissioner Ketcham/Vice-Chair Fitzgerald; 6-1 vote.
11. Agenda A, Tab C – Bernadette Joseph Andrews, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
12. Agenda A, Tab E – Thomas Patrick Beecher, present; Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
13. Agenda A, Tab F – Kentoria Brown, present; Sales associate application approved; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
14. Agenda A, Tab G –Mica Butterwood, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
15. Agenda A, Tab H – Crystal Lorraine Crane, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
16. Agenda A, Tab L – Mark Gallegos, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; 4-3 vote.
17. Agenda A, Tab M –Rebecca Michelle Grewe, present; Sales associate application withdrawn.
18. Agenda A, Tab I – Douglas Dodd, present; Sales associate application approved; Vice-Chair Fitzgerald/Commissioner Fryer; unanimous vote.
19. Agenda A, Tab S – Alexander Jacob Miller, present; Sales associate application approved with conditions, 60 days to comply; Commissioner Fryer/Commissioner Schwartz; 6-1 vote.
20. Agenda A, Tab T – Shelby Morris, present; Sales associate application approved; Vice-Chair Fitzgerald/Commissioner Fryer; 5-2 vote.
21. Agenda A, Tab U – Tiago R. Oliveira, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
22. Agenda A, Tab V – Maria Ines Ortiz, present; Sales associate application approved; Commissioner Schwartz/Commissioner Hornsleth; unanimous vote.
23. Agenda A, Tab Y –Andrew David Poole, present; Sales associate application approved; Commissioner Ketcham/Commissioner Hornsleth; unanimous vote.
24. Agenda A, Tab Z –Donovan Khalil Anthony Price, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 6-1 vote.

25. Agenda A, Tab AA –Danielle Holly Rance, present; Sales associate application approved; Vice-Chair Fitzgerald/Commissioner Fryer; unanimous vote.
26. Agenda A, Tab AB – Alex Rodriguez, present; Sales associate application withdrawn.
27. Agenda A, Tab AD – Michael Charles Rolinski, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
28. Agenda A, Tab AE– Joseph John Rotoli, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
29. Agenda A, Tab AG – Lazaro O. Ruiz, present; Sales associate application approved; Vice-Chair Fitzgerald/Commissioner Fryer; 6-1 vote.
30. Agenda A, Tab AH – Emily Nicole Simes, present; Sales associate application withdrawn.
31. Agenda A, Tab AL – Cynthia Lynn Valdez, present; Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz; unanimous vote.
32. Agenda A, Tab AO – Anna Marie Winfree, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
33. Agenda B, Tab B –Barbara L. Ayala, present; Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
34. Agenda B, Tab D– John Harrison Davis, present; Sales associate application approved with conditions; Commissioner Schwartz/Commissioner Fryer; 6-1 vote.
35. Agenda B, Tab G – Aaron Giddings Feddon, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; 4-3 vote.
36. Agenda B, Tab F – Valerie N. Eitel, present; Sales associate application continued; 90-day requirement waived.
37. Agenda B, Tab I – Kimberly Callen Goldsmith, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
38. Agenda B, Tab L – Monalisa Hernandez, present; Sales associate application approved with conditions; Commissioner Hornsleth/Commissioner Ketcham; 5-2 vote.
39. Agenda B, Tab J – Mariana Hadfeg, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; 4-3 vote.
40. Agenda B, Tab P – Gloria Ludvika Laugalis, present; Sales associate application approved with conditions; Commissioner Hornsleth/Vice-Chair Fitzgerald; unanimous vote.
41. Agenda B, Tab M – Anthony Joseph Herrero, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; 6-1 vote.
42. Agenda B, Tab N – Bruce Allen Hollmeyer, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
43. Agenda B, Tab Q – Rurmell McGee, present; Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
44. Agenda B, Tab R – Patricia E. Middlebrooks, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Sanchez; 6-1 vote.
45. Agenda B, Tab S – Dan Morin, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.

46. Agenda B, Tab T – Albert John Multari, present; Sales associate application approved; Vice-Chair Fitzgerald/Commissioner Fryer; 6-1 vote.
47. Agenda B, Tab U – Delsy Perez Mena, present; Broker application approved; Commissioner Hornsleth/Commissioner Fryer; 5-2 vote.
48. Agenda B, Tab W – David J. Polynice, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
49. Agenda B Tab X – Rico Prosper, present; Sales associate application approved; Commission Hornsleth/Commissioner Schwartz; unanimous vote.
50. Agenda B, Tab Y – David James Sealey, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
51. Agenda B, Tab Z – Kaisuan Taylor, present; Sales associate application approved; Commissioner Hornsleth/Vice-Chair Fitzgerald; unanimous vote.
52. Agenda B, Tab AB – Jennifer Lynn Wheeler, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
53. Agenda A, Tab B – Charles Olugbenga Adidogun, not present; Sales associate application approved; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
54. Agenda A, Tab D – Kevin Asher, not present; Sales associate application denied; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.
55. Agenda A, Tab N – Majid M. Hawari, not present; Sales associate application denies; Commissioner Sanchez/Vice-Chair Fitzgerald; unanimous vote.
56. Agenda A, Tab P – Gracie C. Hernandez, not present; Sales associate application continued; waived the 90-day requirement.
57. Agenda A, Tab Q –Charles Hulett, not present; Sales associate application approved; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
58. Agenda A, Tab R –Natasha Cia Logan, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
59. Agenda A, Tab X – Joseph Marcel Poitevin, not present; represented by Nancy Campiglia, Esquire, present – Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; 6-1 vote.
60. Agenda A, Tab AC – Joanmari Roldan, not present; Sales associate application continued; waived the 90-day requirement.
61. Agenda A, Tab AF – Scott Rounds, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
62. Agenda A, Tab AI– Tomas Ulises Suria, not present; Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
63. Agenda A, Tab AM – Carlos Adiran Vera, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
64. Agenda A, Tab AN – Chad Michael Williams, not present; Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
65. Agenda B, Tab C – Marsha Benjamin, not present; Sales associate application continued; waived the 90-day requirement.

- 66. Agenda, B, Tab E – Rolan Del Callejo, not present; Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
- 67. Agenda B, Tab H – Steven Michael Gaudet, not present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 5-2 vote.
- 68. Agenda B, Tab K – Edward Heath, not present; Sales associate application continued; waived the 90-day requirement.
- 69. Agenda B, Tab AA – Katherine Valdes, not present; Sales associate application withdrawn.
- 70. Agenda C, Tab A – Maria L. Serrano, not present; Sales associate application continued; waived 90-day requirement.

Consent Agenda A

The Commission considered 40 applicants from the Consent Agenda A; Commissioner Hornsleth moved; Commissioner Sanchez seconded the motion to approve 21 applicants and require 19 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Amoretti, Luis Israel Jr.	Evans, John K.	Rodriguez, Arturo Eduardo
Baez, Leonardo A	Herskowitz, Edward Seth	Stone, Jeffrey Clarence
Baker, Ronald Kevin	Krebs, Kevin Michael	Vargas Gonzalez, Alvaro Antonio
Burns, Loren Michelle	Llorens, Richard	Vetromile, Thomas David
Cooley, Jasmine	Miller, Mark Edward	Walters, Kadey
Corbin, Michelle Lynn	Paradise, David	Williams, Chevella Nicole
Ellory, Guy Benedict	Pink, Jermaine	Wingate, Larry Rae

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

Acquaviva, Antonia Susan	Glover, Arienne	Perez, Victor
Amirianfar, Aria	Lencovski, Natalie Z.	Persaud, Himandriwattie
Andrews, Angel Colleen	Lopez, Anabellys S	Sanchez, Luis Rilder
Coward, Bryan	Miranda, Nicole Julia	Spann, Tiffany
Delva, Kavin Amos	Monplaisir, John	Turner, Samuel Grant
Fox, Jamison Tyler	Moses, Matthew	Wallace, Marcia
Garcia, Wilson Camilo		

Consent Agenda B

The Commission considered 9 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Sanchez to approve 5 applicants and require 4 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Burke, Durshan	Lynch, Abigail	Slimak, Emily
Hernandez, Emmanuel De Jesus	Simons, Larry A	

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

Casper, Ami	King, Ibahiem A.
Donchess, Brian	Raulerson, John David

Public Comments

The Commission offered but received no comments from members of the audience.

Recess

There being no objection, the Chair recessed the meeting at approximately 3:50 p.m. until 8:30 a.m. tomorrow.

September 19, 2018

Chair Luzier reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 19th day of September 2018.

Commissioners

Chair Thomas Luzier
Vice-Chair Patricia Fitzgerald
Dick Fryer
Poul Hornsleth
Patti Ketcham
Guy Sanchez
Randy Schwartz

Ms. Marlene Stern, Senior Assistant Attorney General appeared as counsel for the Commission. Ms. Stern declared quorum present.

Staff

Katy McGinnis, Director
Lori Crawford, Executive Director
Al Cheneler, Chief Attorney
Allison McDonald, Deputy Chief Attorney
Alisha Jimenez, Senior Attorney
David Aring, Senior Attorney (via video conference)
Merribeth Bohanan, Senior Attorney (via video conference)
Roger Maas, Senior Attorney (via video conference)
Janice Lugo, Operations Support Supervisor
Meagan McAvoy, Regulatory Specialist III
Beverly Ridenauer, Government Analyst II
Whitley Ward, Government Analyst I
American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Commissioner Fryer moved to approve the minutes of the August 14 and 15, 2018, general meeting as written; Commissioner Sanchez seconded; the motion passed without dissent.

Legal Appearance Docket

The Commission addressed the Legal Appearance Docket, hearing 12 docket items with the following results:

J – Agape Property Management, CQ 268780; Case No. 2017022021 – Motion for Finding of Waiver and Entry of Final Order

Respondent was not present but was represented by counsel, Justin Clark. Commissioner Fryer was recused due to participation on the probable cause panel.

Mr. Aring represented the Department and presented the case to the Board. The Commission granted the Motion for Waiver. After discussion Commissioner Hornsleth moved; seconded by Vice-Chair Fitzgerald to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent.

Commissioner Hornsleth moved to continue the informal hearing until October 17, 2018; seconded by Vice-Chair Fitzgerald Sanchez; the motion passed without dissent.

Action taken: Informal hearing continued until October 17, 2018.

K – Marilyn C. Campbell, BK 321947; Case No. 2017022027– Motion for Finding of Waiver and Entry of Final Order

Respondent was not present but was represented by counsel, Justin Clark. Commissioner Fryer was recused due to participation on the probable cause panel.

Mr. Aring represented the Department and presented the case to the Commission. The Commission granted the Motion for Waiver. After discussion Commissioner Hornsleth moved; seconded by Commissioner Sanchez to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved to continue the informal hearing until October 17, 2018; seconded by Commissioner Sanchez; the motion passed without dissent.

Action taken: Informal hearing continued until October 17, 2018.

D – Jonathan Charles Schon, BK 678471; Case No. 2017026748 – Motion for Finding of Waiver and Entry of Final Order

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

Mr. Aring represented the Department and presented the case to the Commission. Counsel for Respondent requested a continuance. The Commission entered into discussion. Commissioner Schwartz moved to continue the matter until October 17, 2018; seconded by Vice-Chair Fitzgerald; the motion passed with a 5 to 1 vote.

Action taken: Case continued until October 17, 2018.

L – First Place Realty and Property, CQ 1026889; Case No. 2017026752 – Motion for Finding of Waiver and Entry of Final Order

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

Mr. Aring represented the Department and presented the case to the Commission. Counsel for Respondent requested a continuance. The Commission entered into discussion. Commissioner Schwartz moved to continue the matter until October 17, 2018; seconded by Vice-Chair Fitzgerald; the motion passed with a 5 to 1 vote.

Action taken: Case continued until October 17, 2018.

Tab C – Samuel R Guerrier, BK 3267148; Case No. 2017013992 – Respondent's Request 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. Maas represented the Department and presented the case. The Commission entered into discussion. Following discussion, Commissioner Schwartz moved to dismiss the Administrative Complaint; Vice-Chair Fitzgerald seconded; motion carried without dissent.

Action Taken: Case dismissed.

Tabs G, H, I – John Edward Wigglesworth, BK 627074, 3354880 and 3356214; Case Nos. 2016047629, 2016047633, 2016-055533 – Settlement Stipulation

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

Ms. Bohanan represented the department and presented the cases to the Commission. After discussion, Commissioner Hornsleth moved to accept the Settlement Stipulation; Commissioner Fitzgerald seconded the motion; the motion passed with a 4 to 2 vote.

Penalty imposed: Suspension of all licenses for 6 months; administrative fine of \$1,000.00; investigative costs of \$750.00; two complete 2-day FREC general meetings; one 3-hour core law course. **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 Tenants upon lawful demand or as otherwise provided by law; Section 475.25(1)(u), Florida Statutes, when he failed to adequately supervise the actions of his 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, by receiving funds for the Subject Rental but failing to remit these funds to Tenants upon lawful demand or as otherwise provided by law, by failing to adequately supervise the actions of his sales associate and 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: Settlement Stipulation accepted.

Tab E – Pamela Marie Weister, SL 3228086; Case No. 2017014884– Respondent's Request 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. Maas 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; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Fitzgerald; the motion passed with a 5 to 1 vote to impose the following sanctions:

Penalty: Administrative fine of \$500.00; investigative costs of \$701.25; complete a core law course; probation for 90 days. **Violation(s):** Section 475.25(1)(p), Florida Statutes, by failing to inform the commission of her plea of guilty to felony Child Abuse.

Tab A – Cherrie L. Cecil, SL 3150017; Case No. 2017029087, Petitioner's Motion for Informal Hearing

Respondent was not present; Attorney Michael Schneider did not appear on behalf of the Respondent. Vice-Chair Fitzgerald was recused due to participation on the probable cause pane.

Ms. Bohanan represented the department and presented the case to the Commission. The Commission granted the informal hearing. After discussion Commissioner Fryer moved; seconded by Commissioner Hornsleth to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Sanchez; the motion passed without dissent to impose the following sanctions:

Penalty: Revocation; investigative costs of \$231.00. **Violation(s):** Section 475.25(1)(f), Florida Statutes, when she pled guilty to the crimes of false and fraudulent insurance claims.

Tab B – Vladimir V. Davydov, BK 3071202; Case No. 2017012556 – Respondent's Request for Informal Hearing

Respondent was not present; Attorney Paul McKenna did not appear on behalf of the Respondent. Commissioner Fryer was recused due to participation on the probable cause panel.

Mr. Maas represented the Department and presented the case to the Commission. Counsel for Respondent requested a continuance. The Commission entered into discussion. Vice-Chair Fitzgerald moved to continue the matter until October 17, 2018; seconded by Commissioner Schwartz; the motion passed with a 4 to 2 vote.

Action taken: Case continued until October 17, 2018.

Tab F – Domingo J. Veloso, BK 91833; Case No. 2016053074 – Motion for Finding of Waiver and Entry of Final Order

Respondent was not present; Attorney Michael Schneider did not appear on behalf of the Respondent. Commissioner Fryer was recused due to participation on the probable cause panel.

Ms. Bohanan represented the department and presented the case to the Commission. The Commission granted the waiver hearing. After discussion Commissioner Schwartz moved; seconded by Commissioner Sanchez to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Schwartz moved; seconded by Commissioner Sanchez; the motion passed without dissent to impose the following sanctions:

Penalty: Revocation. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty of and adjudicated to Leaving the Scene of a Crash Involving Death; Section 475.25(1)(p), Florida Statutes (2013), by failing to inform the Commission in writing within 30 days after being found guilty of and adjudicated to Leaving the Scene of a Crash Involving Death, a felony .

Recovery Fund Case Docket

Tab A – Bankruptcy Estate of Jean Benjamin v. Michelle Rice a.k.a. Tanisha Rice, DBPR Case No. 2017051157

Mr. Fortunas presented the above matter to the Commission. Neither the Licensee nor the Claimant was present. Mr. Fortunas advised that the Claimant does not qualify statutorily to receive payment from the recovery fund. After discussion Vice-Chair Fitzgerald moved to approve a Final Order Denying Recovery Fund Claim; Commissioner Schwartz seconded. The motion carried without dissent.

Tab B – Pierre v Brown, DBPR Case No. 2017042894

Mr. Fortunas presented the above matter to the Commission. Neither the Licensee nor the Claimant was present. Mr. Fortunas advised that the Claimant qualifies statutorily to receive payment from the recovery fund. After discussion, Commissioner Fryer moved to approve a Final Order Granting the Recovery Fund Claim in the amount of \$12,000.00; Vice-Chair Fitzgerald seconded. The motion carried without dissent.

Escrow Disbursement Orders – Agenda

Mr. Cheneler presented 10 Escrow Disbursement Orders and 1 Order for Interpleader for the Commission's consideration. Commissioner Sanchez was recused from Tabs E, F and J. Vice-Chair Fitzgerald was recused from Tab G. The Commission entered into discussion.

The Commission, with Commissioner Sanchez recused, unanimously approved Tabs E and J as presented.

The Commission, with Commissioner Sanchez recused, unanimously approved Tab F as amended.

The Commission, with Vice-Chair Fitzgerald recused, unanimously approved Tab G as amended.

The Commission unanimously approved to send Tab A for Interpleader.

The Commission approved to send Tab H for Interpleader; passed with a 6-1 vote.

The Commission unanimously approved Tabs: B, C, D and I as presented.

Review and Consideration of the Real Estate Education Courses

Tab L – *Teaching Techniques* – New Course (4 hours, classroom) – application number 34535 – Stewart School of Real Estate

The applicant was present in support of the application. Commissioner Sanchez was recused. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Ketcham seconded the motion. The motion passed without dissent.

Tab A – *An Intro to Home Inspections for the Real Estate Professional* – New Course (No hours provided, specialty course, classroom) – application number 34392 – Allied Building Inspection Services.

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 with a 6-1 vote.

Tab B – *Advertising Compliance Made Easy* – New Course (3 hours E&B, classroom) – application number 34085 – At Your Request Real Estate Instruction 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 Sanchez seconded the motion. The motion passed without dissent.

Tab C – *Broker Responsibility in a Nutshell* – New Course (3 hours E & B, classroom) – application number 34086 – At Your Request Real Estate Instruction 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 Sanchez seconded the motion. The motion passed without dissent.

Tab D – *Exceeding Expectations in the Transaction* – New Course (3 hours E&B, classroom) – application number 34087 – At Your Request Real Estate Instruction 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 Sanchez seconded the motion. The motion passed without dissent.

Tab E – *Accredited Buyer's Representative Designation Course* – New Course (12 hours, classroom) – application number 33406 – CE Shop, Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commission continued the application until October 2018.

Tab F – *Complete Simplified Continuing Education for Florida* – New Course (14 hours E & B, Core Law, Specialty, correspondence) – application number 33522 – Champions School of Real Estate, Ltd.

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 Sanchez seconded the motion. The motion passed without dissent.

Tab G – *Exploring the Code of Ethics* – New Course (3 hours E&B, classroom) – application number 34451 – Florida School of Real Estate Online and In Class

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

Tab H – *Influencing and Negation Techniques and Principles of Real Estate Finance* – New Course (Broker Post Licensure Course) – application number 34286 – International Council of Shopping Centers, Inc. of Real Estate Education LLC.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course for 3-hour Specialty; Vice-Chair Fitzgerald seconded the motion. The motion passed 6 to 1.

Tab I – *Mold Remediation* – New Course (3 hours specialty, distance) – application number 34535 – Pyrosystems LLC.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to deny the course with conditions; Commissioner Sanchez seconded the motion. The motion passed with a 5 to 2 vote.

Tab J – *The Three C's – Cooperation, Compensation and Cracking the Code* – New (E & B) (3 hours, classroom) - application number 34423 – Shore Real Estate Academy

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

Tab K – *Non-Exclusive Agreements, NDS's and Non-Circumvention* – New Course (2 hours specialty, classroom) – application number 34453 – South Florida Real Estate School

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

Tab M – *Gulf Coast Real Estate and Economic Education Conference* – New Course (combination law, specialty and E & B)(7 hours, presentation) – application number 33785 – University of South Alabama Centre for Real Estate and Economic

The applicant withdrew the application.

Ms. Pomales requested guidance from the Commissioners relating to National Association of Realtor courses. She inquired if they would still prefer to see ethics courses modeled after NAR courses or would they give her permission, after a complete review, to approve the NAR courses moving forward upon. The Commissioners were in agreement with Ms. Pomales approving the courses.

Ms. Pomales was pleased to announce that the Education Section is fully staffed, with the addition of Ms. Kathy Jones-McGee, who introduced herself this morning.

FREC – Petitions

Petition for Declaratory Statement received from Deborah L. Wise – DS 2018-054

FREC Counsel Stern presented a Petition for Rule Declaratory Statement received from the Petitioner for the Commission's review and consideration. Petitioner was present. Commissioner Fryer moved that the Commission decline issuing a Declaratory Statement; Commissioner Sanchez seconded the motion. The motion passed without dissent.

Special Agenda

Communications from Tarcisio Ximenes Aguiar, Jr. and Ana Paula Araujo Ximenes Aguiar

Ms. Lugo presented Applicants Tarcisio Ximenes Aguiar, Jr. and Ana Paula Araujo Ximenes Aguiar broker application and background experience. Ms. Lugo stated that the division was unable to determine whether real estate licenses in Brazil are regulated and whether the real estate experience qualifies them for a

broker license. Mr. Aguiar appeared in support of the requests and explained that real estate brokers in Brazil have state and federal regulatory oversight. The Commission entered into discussion. Vice-Chair Fitzgerald moved to accept the real estate experience from Brazil as being valid and approve the real estate broker applications of Tarcisio Aguiar and Ana Paula Aguiar; seconded by Commissioner Fryer; the motion passed without dissent.

Reports

The following reports were presented to the Commission:

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 staff addressed questions and comments from the Commission.

Rule Discussion

Rules Report

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

Annual Rule Review for 61J2, Florida Administrative Code and Annual Regulatory Plan

FREC Counsel Stern presented the Annual Regulatory Plan to the Commission for discussion. Ms. Stern asked the Commission to ratify the Plan as presented. Vice-Chair Fitzgerald moved; Commission Fryer seconded; the motion passed without dissent to ratify the Annual Regulatory Plan for 2019 as presented.

Rule 61J2-10.025, Florida Administrative Code – Advertising Discussion

FREC Counsel Stern and the Commission discussed potential changes to the rule. Ms. Stern will review the language in Rule 10.026 and continue the discussion next month.

Rule 61J2-3.008, Florida Administrative Code – Pre Licensing Education Discussion

FREC Counsel Stern, the Commission and members of the audience discussed potential changes to the rule. After discussion, Commissioner Sanchez moved to approve the rule as amended; Commissioner Fryer seconded the motion; the motion passed without dissent.

Ms. Stern requested the Commission consider the SERC checklist for approval. Commissioner Fryer moved to accept the Department's proposed determination that there is no adverse impact on small businesses; seconded by Commissioner Sanchez; 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 Sanchez seconded the motion; the motion passed without dissent.

Rule 61J2-3.009, Florida Administrative Code – Pre Licensing Education Discussion

FREC Counsel Stern and the Commission discussed potential changes to the rule. After discussion, Commissioner Fryer moved to approve the rule as amended; Commissioner Sanchez seconded the motion; the motion passed without dissent.

Ms. Stern requested the Commission consider the SERC checklist for approval. Commissioner Fryer moved to accept the Department's proposed determination that there is no adverse 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, Florida Administrative Code – Continuing Education for School Instructors Discussion

FREC Counsel Stern and the Commission discussed potential changes to the rule. Ms. Stern will review the proposed language provided by Ms. Linda Crawford and continue the discussion next month.

Rule 61J2-24.001, Florida Administrative Code – Disciplinary Guidelines; Rule 61J2-24.002, Florida Administrative Code – Citation Authority; and Rule 61J2-24.003, Florida Administrative Code – Notification of Noncompliance

FREC Counsel Stern stated that these rules need to be reopened for rule development to move forward with any amendments. Commissioner Fryer moved to open these rules for rule development; seconded by Commissioner Sanchez; the motion passed without dissent.

Special Agenda

Discussion Relating to Broker Qualifications Standards

Chair Luzier continued discussion and presented plans to further research into the model of other states as it pertains to obtaining a Broker's license. Chair Luzier requested the Commissioners to provide their thoughts before the next meeting on what changes to the requirements they would like to see.

Executive Director Comments

Ms. Crawford reported the following:

The Department of Service Operations has successfully tested the first phase of the new scanner and hopefully soon the Commissioners will see the improved quality.

The Office of General Counsel has created an email box specifically for escrow disbursement requests. The information is available at http://www.myfloridalicense.com/dbpr/re/documents/EDO_Request.pdf and the email to submit the form is EDO@myfloridalicense.com.

Three Commissioners and four Division staff will be attending the Association of Regulatory License Law Officials scheduled for September 26-30, 2018, in St. Louis, Missouri.

Chair's Remarks

Chair Luzier thanked the Commissioners and Division staff for all of their hard work.

Chair's Comments

Public Comments

The Commission received comments from audience members.

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 1:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for October 16 and 17, 2018 in Orlando.

ATTEST:



Thomas Luzier, Chair
Florida Real Estate Commission



Lori Crawford, Executive Director
Florida Real Estate Commission