

Jonathan Zachem, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
October 16 and 17, 2018
General Meeting**

October 16, 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 16th of October 2018.

Commissioners

Chair Thomas Luzier
Vice-Chair Patricia Fitzgerald
Dick Fryer
Poul Hornsleth
Patti Ketcham
Guy Sanchez
Randy Schwartz was excused and not present

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
Dorothy Carter, Regulatory Specialist III
Michell Griffin-Smith, Regulatory Specialist 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 A, Tab AM – Elvis Harold Reyes, represented by Nancy Campiglia, Esquire, present; Sales associate application approved; Commissioner Sanchez/Commissioner Schwartz; 6-1.
2. Agenda B, Tab M – David Alan Satterwhite, present; represented by Nancy Campiglia, Esquire, present; Sales associate application approved; Vice-Chair Fitzpatrick/Commissioner Fryer; 5-1.
3. Agenda A, Tab O – Carol Anne Dechiro, not present; represented by Daniel Villazon, Esquire, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; 5-1 vote.

4. Agenda A, Tab R – Juan Jesus Flores, not present; represented by Daniel Villazon, Esquire, present; Sales associate application continued; 90-day requirement waived.
5. Agenda B, Tab C – Belus Brutus, not present; represented by Daniel Villazon, Esquire, present; Sales associate application continued; 90-day requirement waived.
6. Agenda A, Tab B – Antonia Susan Acquaviva, present; Sales associate application approved with conditions; Commissioner Fryer/Vice-Chair Fitzgerald; unanimous vote.
7. Agenda A, Tab W – Aria Amirianfar, present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
8. Agenda A, Tab E – Ketteline Bonbon, present; Sales associate application; Tie vote/no action taken.
9. Agenda A, Tab G – Gregory Leroy Bryant, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
10. Agenda A, Tab I – Jesus Carvajal, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4-2 vote.
11. Agenda A, Tab K – Aldo Comuzzi, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; 5-1 vote.
12. Agenda A, Tab P – Kavin Amos Delva, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 5-1 vote.
13. Agenda A, Tab L – Anthony Michael Corcione, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
14. Agenda A, Tab M – Bryan Coward, present; Sales associate application approved with conditions; Vice-Chair Fitzgerald/Commissioner Fryer; 5-1 vote.
15. Agenda A, Tab N – Ryan Cuebas, present; Sales associate application withdrawn.
16. Agenda A, Tab H – Al Jermaine Campbell, present; Sales associate application denied; Commissioner Fryer/Vice-Chair Fitzgerald; unanimous vote.
17. Agenda A, Tab Q – Brian Donchess, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; 5-1 vote.
18. Agenda A, Tab S – Jamison Tyler Fox, present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
19. Agenda A, Tab T – Charles Joseph Fuhr, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Sanchez; 5-1 vote.
20. Agenda A, Tab V – Arienne Glover, present; Sales associate application; Tie vote/no action taken.
21. Agenda A, Tab X – Diamond Irvin Beard, present; Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; 4-2 vote.
22. Agenda A, Tab Y – Lavelle Patrice Johnson, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
23. Agenda A, Tab Z – Alan N. Joy, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; unanimous vote.
24. Agenda A, Tab AA – Ibahiem A. King, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

25. Agenda A, Tab AB – Michael Krakower, present; Sales associate application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; 5-1 vote.
26. Agenda A, Tab AC – Elena Lacorte, present; Sales associate application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; 5-1 vote.
27. Agenda A, Tab AD – Natalie Z. Lencovski, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
28. Agenda A, Tab AF– Victoria Taylor McKinzie, present; Sales associate application denied; Commissioner Sanchez/Vice-Chair Fitzgerald; unanimous vote.
29. Agenda A, Tab AG – Nicole Julia Miranda, present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
30. Agenda A, Tab AI – Matthew Moses, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Ketcham; 5-1 vote.
31. Agenda A, Tab AJ – Himandriwattie Persaud, present; Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
32. Agenda A, Tab AK – Charisse Denise Persley, present; Sales associate application; Tie vote/no action taken.
33. Agenda A, Tab AN – Anthony Alberto Reynoso Sanchez, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.
34. Agenda A, Tab AO – Hector Francisco Reynoso, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
35. Agenda A, Tab AQ – Luis Rilder Sanchez, present; Sales associate application denied; Commissioner Sanchez/Vice-Chair Fitzgerald; unanimous vote.
36. Agenda A, Tab AR – Angel Sauri, present Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; unanimous vote.
37. Agenda A, Tab AS – Kevin Joseph Schrage, present; Sales associate application withdrawn.
38. Agenda A, Tab AT – Tiffany Spann, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
39. Agenda A, Tab AU – Selina Spigner, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; 5-1 vote.
40. Agenda A, Tab AW – Marsha M. St. Vil, present; Sales associate application approved with conditions; Commissioner Fryer/Commissioner Hornsleth; 4-2 vote.
41. Agenda A, Tab AY – Samuel Grant Turner, present; Sales associate application withdrawn.
42. Agenda A, Tab AZ – Anthony Velez, present; Sales associate application approved with conditions; Commissioner Fryer/Vice-Chair Fitzgerald; 5-1 vote.
43. Agenda A, Tab BB – Kimberly L. Williams, present; Sales associate application approved; Vice-Chair Fitzgerald/Commissioner Fryer; unanimous vote.
44. Agenda A, Tab BC – Nicholas Lee Williams, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.
45. Agenda B, Tab A – Marsha Benjamin, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 5-1 vote.

46. Agenda B, Tab I – Michael Patric Jones, present; Sales associate application approved with conditions; Commissioner Fryer/Vice-Chair Fitzgerald; unanimous vote.
47. Agenda B, Tab B – Brenna Meredith Brockway, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; 4-2 vote.
48. Agenda B, Tab E – Cheryl Larnell Cowan, present; Sales associate application approved; Vice-Chair Fitzgerald/Commissioner Fryer; unanimous vote.
49. Agenda B Tab F – Valerie N. Eitel, present; Sales associate application approved; Commission Fryer/Vice-Chair Fitzgerald; 5-1 vote.
50. Agenda B, Tab J – Jackie Marlowe, present; Sales associate application denied; Commissioner Sanchez/Vice-Chair Fitzgerald; unanimous vote.
51. Agenda B, Tab K – Angela Marie Narcisse, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.
52. Agenda B, Tab L – Alpizar Rosa, present; Sales associate application considered; Tie vote/no action taken.
53. Agenda B, Tab O – Rhonda Louise Sheppard, present; Sales associate application considered; Tie vote/no action taken.
54. Agenda B, Tab P – Earron Shields, present; Sales associate application denied; Commissioner Sanchez/Vice-Chair Fitzgerald; unanimous vote.
55. Agenda B, Tab Q – Armando Sorell, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
56. Agenda B, Tab D – Claudio Marcel Condinanzo, not present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
57. Agenda B, Tab G – Ricky Lynn Grant, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; 5-1 vote.
58. Agenda B, Tab H – Edward Heath, not present; Sales associate application continued; waived the 90-day requirement.
59. Agenda B, Tab N – Maria L. Serrano, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
60. Agenda C, Tab A – John Fitzgerald Zangara, not present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous voter.
61. Agenda A, Tab A – Ashley Katrice Williams, not present; Sales associate application continued; waived the 90-day requirement.
62. Agenda A, Tab D – Angel Colleen Andrews, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
63. Agenda A, Tab F – Tristan Brandes Martin, not present; Sales associate application denied; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.
64. Agenda A, Tab J – Ami Casper, not present; Sales associate application continued; waived the 90-day requirement.
65. Agenda A, Tab U – Wilson Camilo Garcia, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.

66. Agenda A, Tab W – Naomi Haynes, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
67. Agenda A, Tab AE – Anabellys S. Lopez, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
68. Agenda A, Tab AH – John Monplaisir, not present; Sales associate application denied; Commissioner Sanchez/Vice-Chair Fitzgerald; unanimous vote.
69. Agenda A, Tab AL – John Quigley, not present; Sales associate application considered; tie vote/no action taken.
70. Agenda A, Tab AP – Robert R. Sacco, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
71. Agenda A, Tab AV – Jelissa Stubbs, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
72. Agenda A, Tab AX – Sebastian M. Tavera, present; Sales associate application approved with conditions; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
73. Agenda A, Tab BA – Marcia Wallace, not present; Sales associate application continued; waived the 90-day requirement.

Consent Agenda A

The Commission considered 35 applicants from the Consent Agenda A; Commissioner Hornsleth moved; Commissioner Sanchez seconded the motion to approve 19 applicants and require 16 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Busby, Daniel	Junious, Jerry Lee I.	Scott, Everett
Cardona, Jonathan	Mckee, Shelby Nicole	Smith, Brandon Paul
Conner, Marcellus	Mendez, Olga Lidia	Song, Wei
De Moss, Miriam G.	Ques, Ian	Swindon, William A.
Harvey, Lakeira	Rixman, Daryl	Weaver, Jeffrey L.
Iorio, Jessica	Sarria, Carlos A.	Whitehead, Lance Mathew
Jules, Roodly II		

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

Ahmann, Ryan	Endy, Claude Leon	Russell, Caitlin Jami
Bateh, Amy	Johnson, Dwayne Paul	Schiller, Natasha
Bautista, Robert	Joseph, Charles	Senderling, Brandon Bond
Britt, Diane Catina	Moore, Matthew William	Vargas, Andres Felipe
Dombroff, Richard Jr.	Owens, Brittney	Young, Paul Christian
Endsley, Samantha Rose		

Consent Agenda B

The Commission considered 28 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Sanchez to approve 14 applicants and require 14 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Bickle, Ashley Lynn	Holte, Janelle	Pelletier Hamel, Christina M.
Cahoon, Billy	Howard, Stephanie	Truong, Thai Xuan
Fytton, Hamon Francis	Maynard, Shelley D.	Washington, Ivory

Garcia, Jorge Jr.
Gutwein, Natalie Nicole

Mogollon, Marilyn
Morris, Tamekia

Woomer, Bryan

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

Cadet, Jeffrey
Corbman, Brian Michael
Duran, Jose Alberto
Estrada, Reinaldo III
Fayulu, Milain David

Fletcher, Marcus Angel
Garcia, Christian
Louis, Sara Rhishea
Morning, Alamira K.
Myers, Bethany Marie

Puckett, Evan McCloud
Ramirez, Luis Fernando
Rosemberg, Pablo
Silveri, Vincent Louis II

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 4:35 p.m. until 8:30 a.m. tomorrow.

October 17, 2018

Chair Luzier reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 17th day of October 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
James Fortunas, Deputy Chief Attorney (via video conference)
Alisha Jimenez, Senior Attorney (via video conference)
David Aring, Senior Attorney (via video conference)
Merribeth Bohanan, Senior Attorney (via video conference)
Roger Maas, Senior Attorney (via video conference)
Jocelyn Pomales, Education Coordinator
Dorothy Carter, Regulatory Specialist III
Whitley Ward, Government Analyst I
American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

The minutes of the September 18 & 19, 2018, general meeting are deferred until November 2018.

Legal Appearance Docket

The Commission addressed the Legal Appearance Docket, hearing 10 docket items with the following results:

Minutes of October 16 and 17, 2018
Prepared by L. Crawford

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

Respondent was present; Respondent was represented by Evelina Libhen, Esquire. 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 without dissent to impose the following sanctions:

Penalty: Investigative costs of \$907.50. **Violation(s):** Section 475.42(1) (j), Florida Statutes, and thereby violated Section 475.25(1)(a), Florida Statutes, by submitting a Broker Registration form for Doiban under the name Florida Dream Realty & Mortgage to Parque Towers, by submitting Internal Revenue Form W-9 Revenue Form , under the Florida Dream Realty & Mortgage to Parque Towers and by receiving a commission check from Parque Towers for \$66, 033.33, made payable to Florida Dream Realty & Mortgage; Section 475.5015, Florida Statutes, and thereby violated Section 475.25(1)(e), by failing to provide the transaction file and all real estate records related to the transaction connected with Subject Property.

B – Peter Alan Kellner, SL 3251092; Case No. 2017056137 – Respondent's Request for Informal Hearing

Respondent was present; Respondent was presented by Rickey Strong, Esquire; Vice-Chair Fitzgerald and Commissioner Sanchez were recused due to participation on the probable cause panel.

Mr. Aring represented the Department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved; seconded by Commissioner Hornsleth to find the Respondent guilty of Counts II and III in the Administrative Complaint and dismissing Count 1; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Ketcham; the motion passed without dissent to impose the following sanctions:

Penalty: Suspension through September 30, 2019; administrative fine of \$750.00; investigative costs of \$318.45. **Violation(s):** Section 475.25(1)(p), Florida Statutes by failing to comply with the statutory requirements; Section 475.25(1)(f), Florida Statutes by being found guilty of willfully attempting to evade or defeat federal tax obligations.

F – 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 Justin Clark, Esquire. 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 Sanchez moved; seconded by Commissioner Ketcham to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Sanchez moved; seconded by Commissioner Ketcham; the motion passed without dissent to impose the following sanctions:

Penalty: Revocation; administrative fine of \$3,000.00; investigative costs of \$429.00. **Violation(s):** Section 475.5015, Florida Statutes, by failing to comply with the statutory requirements; Section 475.25(1)(v), Florida Statutes, by failing to comply with the statutory requirements; Rule 61J2-14.012, Florida Administrative Code by failing to comply with the statutory and codified requirements.

G – 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 Justin Clark, Esquire. 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 Sanchez moved; seconded by Commissioner Hornsleth; the motion passed without dissent to impose the following sanctions:

Penalty: Revocation; administrative fine of \$500.00; investigative costs of \$247.50. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to timely remit rental funds to Gendler upon demand for Subject Property 1 and Subject Property 2.

H – 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 Justin Clark, Esquire. 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 Sanchez moved; seconded by Commissioner Ketcham to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Sanchez moved; seconded by Commissioner Ketcham; the motion passed without dissent to impose the following sanctions:

Penalty: Revocation; administrative fine of \$1,500.00; investigative costs of \$429.00. **Violation(s):** Section 475.5015, Florida Statutes, by failing to comply with the statutory requirements; Section 475.25(1)(v), Florida Statutes, by failing to comply with the statutory requirements; Rule 61J2-14.012, Florida Administrative Code by failing to comply with the statutory and codified requirements.

Tab D – George F. Ashkar, BK 3219981; Case No. 2016055091 – Settlement Stipulation

Respondent was not present; Respondent was represented by Rickey Strong, Esquire. Commissioner Fryer was recused due to participation on the probable cause panel.

Mr. Fortunas represented the department and presented the case to the Commission. After discussion Vice-Chair Fitzgerald moved; seconded by Commissioner Schwartz to reject the stipulation; motion passed without dissent. Vice-Chair Fitzgerald moved; seconded by Commissioner Ketcham; motion passed 4-2 to offer the following counter stipulation: Suspension for 1 year; administrative fine of \$1,250.00; investigative costs of \$750.00; attend 2 complete FREC meetings; probation for 6 months.

Action Taken: Counter Settlement Stipulation offered.

Tab E – Fortress Realty LLC, CQ 1046672; Case No. 2017014478 – Settlement Stipulation

Respondent was not present; Respondent was represented by Rickey Strong, Esquire. Commissioner Fryer was recused due to participation on the probable cause panel.

Mr. Fortunas represented the department and presented the case to the Commission. After discussion Commissioner Hornsleth moved; seconded by Commissioner Sanchez to reject the stipulation; motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Fitzgerald; motion passed 4-2 to offer the following counter stipulation: Suspension for 1 year; administrative fine of \$1,250.00; investigative costs of \$750.00.

Action Taken: Counter Settlement Stipulation offered.

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

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 Board. Counsel for Respondent objected to the waiver hearing. The Commission granted the waiver hearing. After discussion, Commissioner Ketcham moved; seconded by Commissioner Sanchez to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Ketcham moved; seconded by Vice-Chair Fitzgerald to reject the Stipulation; the motion passed without dissent. Commissioner Ketcham moved; seconded by Commissioner Sanchez; the motion passed with a vote of 5 to 1 to impose the following sanctions:

Penalty: Revocation; administrative fine of \$5,000.00; investigative costs of \$264.00. **Violation(s):** Section 475.25(1)(k), Florida Statutes, by failing to deposit any escrow money, fund, deposit, check, or draft in a trust or escrow account maintained with some bank, credit union, or savings and loan association located and doing business in this state; Section 475.25(1)(v), Florida Statutes, by failing to review the brokerage's trust accounting procedures in order to ensure compliance with Chapter 475, Florida Statutes.

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

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 Board. Counsel for Respondent objected to the waiver hearing. The Commission granted the waiver hearing. After discussion Commissioner Hornsleth moved; seconded by Commissioner Ketcham to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Ketcham moved; seconded by Commissioner Schwartz to reject the Stipulation; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Ketcham; the motion passed with a vote of 5 to 1 to impose the following sanctions:

Penalty: Suspension for 5 years; administrative fine of \$2,000.00; investigative costs of \$297.00; complete a 4-hour escrow course; complete a 28-hour reactivation course. **Violation(s):** Section 475.25(1)(k), Florida Statutes, by failing to deposit any escrow money, fund, deposit, check, or draft in a trust or escrow account maintained with some bank, credit union, or savings and loan association located and doing business in this state; Section 475.25(1)(v), Florida Statutes, by failing to review the brokerage's trust accounting procedures in order to ensure compliance with Chapter 475, Florida Statutes.

Tab C – Omar Tajii McDonald Jones, BL 3037160; Case No. 2017014257 – 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 Hornsleth move; 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 without dissent to impose the following sanctions

Penalty: Administrative fine of \$500.00; investigative costs of \$165.00; 1 complete FREC meeting; probation for 90 days. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to inform the Commission in writing after pleading nolo contendere to and being adjudicated guilty of the charges of Driving While License Suspended/Revoked With Knowledge.

Recovery Fund Case Docket

Tab A – Johnny Benjamin v. Roberto Torres, DBPR Case No. 2016006408

Ms. Jimenez presented the above matter to the Commission. Ms. Marcia Benjamin appeared on behalf of the Claimant. The Licensee was not present. Ms. Jimenez advised that the Claimant does not qualify statutorily to receive payment from the recovery fund. After discussion Commissioner Fryer moved to approve a Final Order Denying Recovery Fund Claim; Commissioner Sanchez seconded the motion; motion carried without dissent.

Escrow Disbursement Orders – Agenda

Ms. Hernandez presented 9 Escrow Disbursement Orders and 1 Order for Interpleader for the Commission's consideration. Commissioner Sanchez was recused from Tabs A, E and F.

The Commission, with Commissioner Sanchez recused, unanimously approved Tabs A and E as presented and F as amended.

The Commission unanimously approved to send Tab B for Interpleader.

The Commission unanimously approved Tabs: D, G, H, I and J as presented.

Tab C was pulled.

Review and Consideration of the Real Estate Education Courses

Tab D – *Build Your Business with Instagram and Snapchat* – New Course (3 hours specialty, classroom) – application number 34569 – Florida Association of Realtors

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

Tab E – *Introduction to The Cloud* – New Course (2 hours specialty, classroom) – application number 34570 – Florida Association of Realtors

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

Tab A – *Florida 3 Hr Ethics for Real Estate Professionals* – New Course (E & B)(3 hours, distance) – application number 34561 – @YourPace Online.

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 B – *Technology Tools, Trends and Risk Management* – New Course (4 hours specialty, distance) – application number 34786 – CE Shop, Inc.

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 C – *Everything you wanted to know about Mold but were afraid to ask* – New Course (2 hours specialty, classroom) – application number 34493 – Decon Environmental & Engineering, Inc.

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 with a 6 to 1 vote.

Tab F – *Understanding the Home Inspection & Insurance Reports* – New Course (3 hours specialty, classroom) – application number 34576 – Internachi

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

Tab G – *Mastering Contract Preparation* – New Course (combination Law, Specialty and E&B)(14 hours, classroom) – application number 34792 – Jeffrey Raynor

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

Tab H – *Foundations of Commercial Real Estate* – New Course (11 hours specialty, classroom) – application number 34793 – Jose Miguel Padron

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

Tab I – *FIRPTA isn't just for Foreigners 1* – New Course (2 hours specialty, classroom) – application number 34627 – Ling and Associates LLC

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

Tab J – *RESPA for Real 1* – New Course (2 hour specialty, classroom) – application number 34628 – Ling and Associates LLC

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

Tab K – *Commercial Real Estate Investing* – New Course (4 hours specialty, distance) - application number 34507 – Realestatece.com

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

Tab L – *Keep It Legal and Keep Your Commissions* – New Course (2 hours specialty, classroom) – application number 34508 – Realtor Association of Greater Fort Lauderdale, Inc.

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

Tab M – *Credit Building Blocks for Real Estate Pros* – New Course (2 hours specialty, classroom) – application number 34732 – Realty and Insurance U 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 N – *Credit Building Blocks for Real Estate Pros* – New Course (2 hours specialty, live stream) – application number 34733 – Realty and Insurance U 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 O – *Broker Responsibility Part 1: Getting Started* – New Course (E&B)(3 hours, classroom) – application number 34785 – Royal Palm Coast Realtor Association

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

Tab P – *Risk Management When Owning Property* – New Course (2 hours specialty, classroom) – application number 34454 – South Florida Real Estate School

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 Q – *Legal Pitfalls (How to Avoid Not Getting Paid your Full Commission)* – New Course (2 hours specialty, classroom) – application number 34674 – Woods, Weidenmiller, Michetti, Rudnick & Galbraith, PLLC

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

DOAH Recommended Order - Applicant

Charles Medalie v. DBPR, Florida Real Estate Commission – DOAH Case No. 18-2829

FREC Counsel Marlene Stern presented the Recommended Order of Dismissal. The applicant was not present. The Commission considered the Recommended Order of Dismissal based on the Petitioner's Notice of Voluntary Dismissal. Commissioner Fryer moved to accept Recommended Order of Dismissal and issue a Final Order; Commissioner Schwartz seconded the motion; the motion passed without dissent unanimously.

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
Rules 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.

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

FREC Counsel Stern and the Commission discussed potential changes to the rule. After discussion, Ms. Stern stated that she will provide a proposed draft for consideration and discussion next month.

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. After discussion, Ms. Stern stated that she will provide proposed language with the amendments for further review and 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 reported that these rules were opened for rule development. The Commission provided some guidance for proposed language amendments for violations relating to 61J2-10.026 – Team Advertisement. After discussion, Ms. Stern stated that she will provide proposed language with the amendments for further review and discussion next month.

Special Agenda

Discussion Relating to Broker Qualifications Standards

Chair Luzier stated several of the Commissioners provided their thoughts as to what changes they would like to see relating to broker requirements. Task going forward is to put together a wish list to present to Florida Realtors.

Communication Received From Linda Crawford Requesting to Update the Broker Syllabus

Ms. Crawford presented suggested changes to update the Broker Syllabus, as 61J2-3.008(4)(b)(3)k, Florida Administrative Code, provides. The Commission thanked Ms. Crawford for her submission.

Communications Regarding Rule 61J2-10.026, Florida Administrative Code

Executive Director Crawford presented communications regarding various questions relating to team advertisement. The Commission and Ms. Stern entered into discussion. Ms. Stern recommended that the Commission deny providing guidance without a formal petition for a Declaratory Statement. Chair Luzier inquired whether the Commission could issue an advisory statement. Ms. Stern requested to research the issue and bring it back to the Commission next month.

Communication Received From Rosemarie Baragana

Executive Director Crawford presented communication from Ms. Baragana requesting the Commission grant reinstatement of her null and void real estate sales associate license. After review and discussion, Commissioner Fryer moved; seconded by Commission Hornsleth to deny the request as Ms. Baragana does not qualify statutorily for reinstatement; the motion passed without dissent.

Public Comments

The Commission offered the opportunity for public comments to member of the audience. The Commission received comments from Ms. Linda Crawford, Dearborn Publishing.

Resolution for Deputy Director Denise Johnson

Executive Director Crawford read into the record a resolution for former Deputy Director Denise Johnson for 29 years of service to the Division of Real Estate and the State of Florida.

Resolution for Commissioner Thomas Luzier

Executive Director Crawford read into the record a Resolution recognizing the service of Chair Thomas Luzier, who served from January 20, 2015 until October 31, 2018. The Resolution is part of these minutes.

On behalf of the Division and the Department, Executive Director Crawford presented a plaque in honor of Chair Luzier's excellent service to the Department, the Division and the State of Florida.

Chair Luzier stated that it has been his honor and pleasure serving on the Commission and expressed his great appreciation for his fellow Commissioners and Division.

The Commission, Director McGinnis and Executive Director Crawford expressed their sincere thanks and appreciation to Commissioner Luzier for his professionalism and insight during his time on the Florida Real Estate Commission and his service to the real estate profession.

Nominations for Chair and Vice-Chair

Commissioner Fryer nominated Vice-Chair Fitzgerald for Chair. Hearing no objections, Chair Luzier closed nominations. Upon unanimous vote Vice-Chair Fitzgerald was elected as Chair.

Commissioner Hornsleth nominated Commissioner Ketcham for Vice-Chair. Hearing no objections, Chair Luzier closed nominations. Upon unanimous vote Commissioner Ketcham was elected as Vice-Chair.

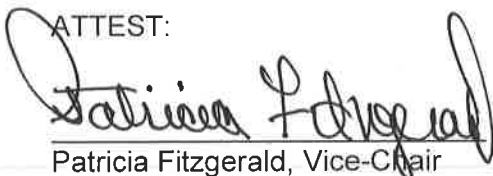
Executive Director Comments

Ms. Crawford reported that the Department is offering much needed assistance in many ways to those affected in the pan-handle by Hurricane Michael.

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 3:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for November 13 and 14, 2018 in Orlando.

ATTEST:



Patricia Fitzgerald, Vice-Chair
Florida Real Estate Commission



Lori Crawford, Executive Director
Florida Real Estate Commission