

Halsey Beshears, Secretary

Ron DeSantis, Governor

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
January 15 and 16, 2019  
General Meeting**

January 15, 2019

Vice-Chair Patti Ketcham called the meeting of the Florida Real Estate Commission to order at approximately 8:30 a.m., in Orlando, Florida, on this Tuesday, the 15<sup>th</sup> of January 2019.

Commissioners

Vice-Chair Patti Ketcham  
Dick Fryer  
Poul Hornsleth  
Guy Sanchez  
Randy Schwartz

Excused absence

Chair Patricia Fitzgerald

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

Staff

Katy McGinnis, Director  
Amrita Singh, Deputy Director  
Lori Crawford, Executive Director  
Al Cheneler, Chief Attorney  
Allison McDonald, Deputy Chief Attorney  
Janice Lugo, Operations Support Supervisor  
Megan McAvoy, Regulatory Consultant  
Dorothy Carter, Regulatory Specialist III  
Michell Griffin-Smith, Regulatory Specialist III  
Whitley Ward, Government Analyst I  
Thomas Jones, Administrative Assistant II  
Velicia Simmons, Intern  
Alecia Reeves, Intern  
Brittany Bennett, Certified Legal Intern  
American Court Reporting, Inc. (407) 896-1813 provided court services.

Summary of Applicants

Government Analyst, Whitley Ward, presented 82 Summary of Applicants requesting to sit for the real estate examination.

1. Agenda A, Tab M – David Scott Burkhart, present; represented by Nancy Campiglia, Esquire, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

2. Agenda A, Tab D – Ashley Katrice Williams, not present; represented by Daniel Villazon, Esquire, present; Sales associate application continued; waived the 90-day requirement.
3. Agenda A, Tab S – Richard G. Desmangles, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
4. Agenda A, Tab T – John Dossett, present; represented by Daniel Villazon, Esquire, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; 3-2 vote.
5. Agenda B, Tab E – Chad Evans, present; Sales associate application approved; Commissioner Sanchez/Schwartz; unanimous vote.
6. Agenda A, Tab AF – Kristopher Richardson, present; represented by Adrian Middleton, Esquire, present; Sales associate application approved; Commissioner Fryer/Sanchez; unanimous vote.
7. Agenda A, Tab C – Elvis Harold Reyes, present; represented by Nancy Campiglia, Esquire, present; Informal – Vacate Notice of Intent to Deny and sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 3-2 vote.
8. Agenda A, Tab E – Wilner Beauchamp, present; Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
9. Agenda A, Tab G – Charlene A. Bethea Simmonds, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
10. Agenda A, Tab I – Sabrina Brett, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; 4-1 vote.
11. Agenda A, Tab J – Christopher Steven Brigance, present; sales associate application approve; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
12. Agenda A, Tab K – Kane Edward Brooks, present; Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz; unanimous vote.
13. Agenda A, Tab L – Taria Lea Burgos, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
14. Agenda A, Tab O – Gregory Rashard Carter, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
15. Agenda A, Tab P – Estone Charles, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
16. Agenda A, Tab Q – Alfred Real Chouinard, III, present; Sales associate application withdrawn.
17. Agenda A, Tab W – Ingrid Freeman, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
18. Agenda A, Tab Y– Lucas Hamiel, present; Sales associate application tabled until afternoon.
19. Agenda A, Tab AA – Claudia Paola Kaiserman, present; Sales associate application approved; Commissioner Sanchez /Commissioner Fryer; unanimous vote.
20. Agenda A, Tab AB – Victor Mercado, present; Sales associate application approved; Commissioner Fryer/Commission Schwartz; unanimous vote.
21. Agenda A, Tab AC – Simon Mihailovic, present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; 4-1 vote.

22. Agenda A, Tab AD – Stephanie Morales, present; Broker` application denied; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
23. Agenda A, Tab AE – Daniel Quinones; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
24. Agenda A, Tab U – Jamell Trevon Douglas, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
25. Agenda A, Tab AG – Justin Roberson, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
26. Agenda A, Tab AH – Sandy Keenan Roberts, present; Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz; unanimous vote.
27. Agenda A, Tab AI – Jessica Lee Robinson, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
28. Agenda A, Tab AJ – Jimmie Ray Rodger II, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
29. Agenda A, Tab AK – Joseph Scott, Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 3-2 vote.
30. Agenda A, Tab AL – Anthony Charles Solowsky, present; Sales associate application approved based on a clean application; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
31. Agenda A, Tab AM – Zachary Charles Tuohey, present; Sales associate application approved with conditions; Commissioner Fryer/Commissioner Hornsleth; 4-1 vote.
32. Agenda A, Tab AO – Jonathan John Velasquez, present; Sales associate application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; unanimous vote
33. Agenda A, Tab AQ – Marvin Worrel, present; Sales associate application approve; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
34. Agenda A, Tab R – Jose Cueva, not present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
35. Agenda B, Tab A – Issac Amsellem, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
36. Agenda B, Tab B – Adolfo Enrique, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
37. Agenda B, Tab C – Wallace Castro, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4-1 vote.
38. Agenda B Tab D – Margarita Dejesus; present; Sales associate application approve; Sanchez/Commissioner Fryer; unanimous vote.
39. Agenda B, Tab F – Axel Kurt Keydasch, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz, unanimous vote.
40. Agenda B, Tab G – Corey Anton Jenkins, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

41. Agenda B, Tab H – Julie Gwynn London, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 4-1 vote.
42. Agenda B, Tab J – Carlos Rafael Martinez present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
43. Agenda B, Tab K – Nicholas Daniel Michael, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
44. Agenda B, Tab L – Daren Lawrence Mulhern, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz, unanimous vote.
45. Agenda B, Tab M – Samira Anne Natour, present; Sales associate application approved contingent upon an amended application; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
46. Agenda B, Tab N – Marissa Lynn Raegan, present; Sales associate application approved with conditions; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
49. Agenda B, Tab I – Krista Arlene Malloch, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
50. Agenda B, Tab O – Danon Slinkard, not present; Sales associate application approved; Reschedule.
51. Agenda A, Tab A – Jackie Marlow, not present; Applicant requested a formal hearing.
52. Agenda A, Tab B – Clarice Tarylynn Quinn, not present; Sales associate application denial upheld; Commissioner Fryer /Commissioner Sanchez; unanimous vote.
53. Agenda A, Tab F – Hunter Scott Beauregard, not present; Sales associate application continued; waived the 90-day requirement.
54. Agenda A, Tab H – Kevin Micheal Branch, not present; Broker application continued; waived the 90-day requirement.
55. Agenda A, Tab V – Emil Filerino, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
56. Agenda A, Tab X – Sergio Gomez, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
57. Agenda A, Tab Z – Richard Jovel, not present; Sales associate application continued; waived the 90-day requirement.
58. Agenda A, Tab AN – Bryan Yizreel Valladares, not present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
59. Agenda A, Tab AP – William Robert Waldorf, present; Sales associate application approve; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
60. Agenda A, Tab AR – Eric Brent Youngblood, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

### **Consent Agenda A**

The Commission considered 42 applicants from the Consent Agenda A; Commissioner Hornsleth moved; Commissioner Sanchez seconded the motion to approve 30 applicants and require 12 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Adelson, Jules Saint	Ford, Tytus Aundre	Lopez, Victor Manuel
Ball, Francis J.	Greenidge, Rasheema	Maccari, William Paul
Beavers, Sandra Barbara	Harris Santana, Allen R.	McDaniel, Rhonda
Brockington, Markesha A.	Hilger, David James	Rhine, Rene Alexander
Cappelen, Mackenzie Faith	Howell, Joshua Allen	Rice, Jinnifre
Charles, Harry	Hunt, Sondra Renee	Rodriguez, Samuel Lorenzo
Ciola, Gregory Michael	Iglesias, Robert James	Ross, Jessica Victoria
Corcelli, Paola Soriano	Jordan, Julian Derrick	Schiliro, John Michael
Dotters, Desiree	Kara, Gaiting Dadu	Swist, Mathew Ryen
Esse, Shadia Marie	Lejnar, Luke Stephen	Talarico, Erin

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

Ali, Imran	Hagel, James Allen Sr.	Nordholm, Abby Lynn
Engram, Jshone Michelle	Jean, Lynda	Redding, Kievia
Fischbeck, Roy J.	McKay, Jeneese R.	Reina Zamora, Leanela
Gantt, Brooke McKenzie	McLain, Kirk Vincent	Thompson, Earl Ignashus

### **Consent Agenda B**

The Commission considered 16 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 11 applicants and require 5 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Adamson, Benjamin C.	Jackson, Tim	Revell, Jennifer
Caraballo, Edwin	Malave, David	Rushing, Stephanie Marie
Durrant, Linroy	Maldonado, Michael Anthony	Singh, Aneel
Furkovich, Adrienne	Marzigliano, Dominick Jr.	

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

Acloque, Guilande	Black, Tonya Marie	Minardi, Glenn Anthony Jr.
Asplund, Thomas Anthony	McCalister, Elijah	

### **Consent Agenda C**

The Commission considered 1 applicant from the Consent Agenda C; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 1 applicant and require 0 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicant was approved:

Falconer, Boris

### **Consent Agenda C**

The Commission considered 1 applicant from the Consent Agenda C; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 1 applicant and require 0 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicant was approved:

Sarah Savanna Sandall

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

## **January 16, 2019**

Vice-Chair Ketcham reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 16<sup>th</sup> day of January 2019.

## **Commissioners**

Vice-Chair Patti Ketcham  
Dick Fryer  
Poul Hornsleth  
Guy Sanchez  
Randy Schwartz

## **Excused absence**

Chair Patricia Fitzgerald  
Commissioner John Sherrard

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

## **Staff**

Amrita Singh, Deputy 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)  
Merribeth Bohanan, Senior Attorney (via video conference)  
Roger Maas, Senior Attorney (via video conference)  
Brittany Bennett, Certified Legal Intern  
Stephanie Fitzsimmons, Certified Legal Intern (via video conference)  
Jovani Monexil, Certified Legal Intern  
Sara Kimmig, Bureau Chief of Enforcement  
Janice Lugo, Operations Support Supervisor  
Jocelyn Pomales, Education Coordinator  
Dorothy Carter, Regulatory Specialist III  
Thomas Jones, Administrative Assistant II  
Alecia Reeves, Legal Intern  
Velicia Simmons, Legal Intern  
American Court Reporting, Inc. (407) 896-1813 provided court services.

## **Approval of the Minutes**

Minutes of December 2018 are deferred to February 2019.

## **Escrow Disbursement Orders – Agenda**

Ms. Jimenez presented 10 Escrow Disbursement Orders for the Commission's consideration. Commissioner Sanchez was recused from Tabs D, F and G.

The Commission, with Commissioner Sanchez recused, unanimously approved Tabs D, F and G as presented.

The Commission unanimously approved Tabs A, C, E, H and I as presented and Tabs B and J as amended.

### Legal Appearance Docket

The Commission addressed the Legal Appearance Docket, hearing 51 docket items with the following results:

#### **Tab K– Brickell Brokers Corporation, CQ 1036856; Case No. 2017016985 – Settlement Stipulation**

Case continued until February 2019.

#### **Tabs L and M – David Cevallos, BK 3150810; Case Nos. 2017010972 and 2017061623 – Settlement Stipulation**

Case continued until February 2019.

#### **Tab G – Jeff Edward Musgrave, SL 3046422; Case No(s) 2017045848 – Respondent’s Request for Informal Hearing**

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

Mr. Maas represented the Department. Commissioner Fryer moved to find the Respondent guilty as charged in the Administrative Complaint; Commissioner Schwartz seconded the motion; 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 \$1,000.00; investigative costs of \$250.80, probation for 6 months; attend two 2-day meetings. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being convicted of a crime which involves dishonest dealings; Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report in writing to the Commission within 30 days after adjudication of guilt.

#### **Tab Q – Jonathan Waysman, SL 3336485; Case No. 2017046162 – Settlement Stipulation**

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

Mr. Maas represented the Department and presented the case to the Commission. After discussion Commissioner Fryer moved; seconded by Commissioner Hornsleth to adopt the stipulation; motion passed without dissent.

**Penalty:** Administrative fine of \$1,000.00; investigative costs of \$140.25. **Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), by failing to report in writing to the Commission nor the Department within 30 days after his adjudication of guilt.

#### **Tab I – Scott Anthony Wilson, SL695082; Case No(s) 2018033476 – Respondent’s Request for Informal Hearing**

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

Ms. Jimenez and Certified Legal Intern Bennett represented the Department. Commissioner Schwartz moved; Commissioner Hornsleth seconded the motion to find the Respondent guilty as charged the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fryer; the motion passed without dissent to impose the following sanctions:

**Penalty:** Administrative fine of \$250.00; investigative costs of \$198.00; probation for 6 months. **Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t),

Florida Statutes, by failing to report in writing to the Commission within 30 days after adjudication of guilt.

**Tabs AE-AG – Kaylyn Knopes Byrd, BK3081557 Case No(s) 2018010748, 2017026883, 2017040629 – Motion for Waiver to Rights and Entry of Final Order**

Respondent was present and not represented by counsel. Vice-Chair Ketcham was recused due to participation on the probable cause panel.

Ms. Jimenez represented the Department. Commissioner Sanchez moved to deny the Respondent's request for a continuance; Commissioner Schwartz seconded; the motion passed with a 3-1 vote. Commissioner Schwartz granted the waiver hearing and moved to find the Respondent guilty as charged in the Administrative Complaint; Commissioner Sanchez seconded; the motion passed without dissent. Commissioner Sanchez moved; seconded by Commissioner Schwartz; the motion passed with a 3-1 vote to impose the following sanctions:

**Penalty:** Revocation. **Violation(s): (Case Nos. 2017040629 and 2017026883)** Section 475.25(1) (b), Florida Statutes, by being guilty of dishonest dealings, culpable negligence or breach of trust, or has formed an intent, design or scheme to engage in any such misconduct and committed an overt act in furtherance of such intent, design or scheme; Section 475.25(1)(d) 1, Florida Statute, by failing to produce certain rental statements and rental proceeds to the Property Owner. **(Case No. 2018010748)** Section 475.25(1)(e), Florida Statutes, through a violation of 61J2-14.012(2) Administrative Code, by failing to make a written statement comparing the broker's total liability with the reconciled bank balance(s) of all trust accounts.

**Tabs AX-AY– Southern Key Properties, Inc., CQ1045132 Case No(s) 2017032088, 2017046644 – Motion for Waiver to Rights and Entry of Final Order**

Respondent was present and not represented by counsel. Vice-Chair Ketcham was recused due to participation on the probable cause panel.

Ms. Jimenez represented the Department. Commissioner Sanchez moved deny the Motion for a continuance; Commissioner Schwartz seconded. Commissioner Schwartz granted the waiver hearing and moved to find the Respondent guilty as charged; Commissioner Sanchez seconded. Commissioner Schwartz moved; seconded by Commissioner Sanchez; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of \$1,130.25 in Case No. 2017032088; investigative costs of \$1,122.00 in Case No. 2017046644. **Violation(s):** Section 475.25(1) (b), Florida Statutes, by being guilty of dishonest dealings, culpable negligence or breach of trust, or has formed an intent, design or scheme to engage in any such misconduct and committed an overt act in furtherance of such intent, design or scheme; Section 475.25(1)(d) 1, Florida Statute, by failing to account or deliver to any person, including a license under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon a demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check, draft, abstract title, mortgage, conveyances, lease or other document or things of value.

**Tab H – Debra Ann Neser, BK 665569,3044744,3318045; Case No. 2016007944 – Respondent's Request for Informal Hearing**

**Action Taken:** Hearing continued to February 2019.

**Tab A – John Franklin Coleman III, SL3311180; Case No. 2017047066 – Respondent's Request for Informal Hearing**



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

Mr. Fortunes represented the Department. Commissioner Schwartz moved to find the Respondent guilty as charged in the Administrative Complaint; seconded by Commissioner Fryer; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fryer; the motion passed with a 3-1 vote to impose the following sanctions:

**Penalty:** Suspension for 60 days; administrative fine of \$2,000.00; investigative costs of \$181.50; probation for 6 months. **Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report in writing to the Commission within 30 days after adjudication of guilt.

**Tabs B-D – John Guoth, BK3252586 Case No. 2017013823, 2017042858– Respondent’s Request for Informal Hearing**

Respondent was present and was not represented by counsel. Vice-Chair Ketcham was recused due to participation on the probable cause panel.

Ms. Jimenez represented the Department and presented the case to the Commission. Commissioner Sanchez moved to find the Respondent guilty as charged in the Administrative Complaints; seconded by Commissioner Hornsleth in Case No. 2016047224 and seconded by Commissioner Schwartz in Case Nos. 2017032929 and 2018008462; the motion passed without dissent. The Commission voted unanimously to impose the following sanctions:

**Penalty:** Revocation. **Violation(s):** **Case No. (2016047224, 2017032929)** Section 475.25 (1)(b) Florida Statutes, by being guilty of committing fraud, misrepresentation, concealment, false promises, dishonest dealing by trick, scheme, or device, culpable negligence or breach of trust in any business transaction in this state or any other state, nation or territory; has violated a duty imposed upon her or him by law or by the terms of a listing contract, written, oral, express or implied in a real estate transaction. (**Case No. 2016047224**) Section 475.25(1)(e), Florida Statutes, through a violation of 61J2-14.012(2) Administrative Code, by failing to make a written statement comparing the broker's total liability with the reconciled bank balance(s) of all trust accounts. (**Case No. 2016047224, 2017032929**) Section 475.25(1)(d) 1, Florida Statute, by failing to account or deliver to any person, including a license under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon a demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check, draft, abstract title, mortgage, conveyances, lease or other document or things of value. (**Case No. 2018008462**) Section 475.25 (1)(f), Florida Statutes, by being convicted or being found guilty of or entered a plea of nolo contendere to, regardless of adjudication, a crime in which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude or fraudulent or dishonest dealing; Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report in writing to the Commission nor the Department writing 30days after adjudications(s) of guilt.

**Tabs E-F– JGS Beachfront Condo Rentals LLC, CQ 1047566; Case No. 2017013823 and 2017042858 – Respondent's Request for Informal Hearing**

Respondent was present and was not represented by counsel. Vice-Chair Ketcham was recused due to participation on the probable cause panel.

Ms. Jimenez represented the Department and presented the case to the Commission. Commissioner Sanchez moved to find the Respondent guilty as charged in the Administrative Complaints; seconded by Commissioner Hornsleth; 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 \$1,000.00; investigative costs of \$613.80 (**Case No. 201701013823**); Revocation; administrative fine of \$1,000.00; investigative costs of \$613.80 (**Case No. 2017042858**). **Violation(s):** Section 475.25(1)(d) 1, Florida Statutes, by failing to account or deliver to any person, including a license under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon a demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check, draft, abstract title, mortgage, conveyances, lease or other document or things of value.

**Tab J – George F. Ashkar, SL 3133106; Case No. 2017008967 – Settlement Stipulation**

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

Ms. Bohanan represented the Department and presented the case to the Commission. After discussion Commissioner Hornsleth moved; seconded by Commissioner Schwartz to adopt the stipulation; motion passed 3 to 1.

**Penalty:** Suspension for 12 months; administrative fine of \$1,250.00; investigative costs of \$750.00; attend 2 complete FREC general meetings. **Violation(s):** Section 475.25 (1)(k) Florida Statutes; by having failed, if a broker, to immediately place, upon receipt, any money, fund, deposit, check, or draft entrusted to her or him by any person dealing with her or him as a broker in escrow with a title company, banking institution, credit union, or savings and loan association located and doing business in this state, or to deposit such funds in a trust or escrow account maintained by her or him with some bank, credit union, or savings and loan association located and doing business in this state, wherein the funds shall be kept until disbursement thereof is properly authorized; Section 475.25(1)(d)2., Florida Statutes (2016), by having failed to deposit money in an escrow account when the licensee is the purchaser of real estate under a contract where the contract requires the purchaser to place deposit money in an escrow account to be applied to the purchase price if the sale is consummated; Section 475.25(1)(b), Florida Statutes (2016), by committing fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme or devise culpable negligence, or breach of trust in any business transaction.

**Tab N – Fortress Realty LLC, CQ1046672; Case No. 2017014478– Settlement Stipulation**

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

Ms. Bohanan represented the Department and presented the case to the Commission. After discussion Commissioner Hornsleth moved; seconded by Commissioner Schwartz to adopt the stipulation; motion passed 3 to 1.

**Penalty:** Suspension for 12 months; administrative fine of \$1,250.00; investigative costs of \$750.00; attend 2 complete FREC general meetings. **Violation(s):** Section 475.25 (1)(k) Florida Statutes; by having failed, if a broker, to immediately place, upon receipt, any money, fund, deposit, check, or draft entrusted to her or him by any person dealing with her or him as a broker in escrow with a title company, banking institution, credit union, or savings and loan association located and doing business in this state, or to deposit such funds in a trust or escrow account maintained by her or him with some bank, credit union, or savings and loan association located and doing business in this state, wherein the funds shall be kept until disbursement thereof is properly authorized.

**Tab O – Jeffrey S. Alexander, BK 3005436 Case No. 2017009131 – Settlement Stipulation**

Case was withdrawn.

**Tab P – Mark Harold Schmitz, SL 695082; Case No.2018030188– Settlement Stipulation**

Respondent was not present and was not represented by counsel. Commissioner Sanchez served on the probable cause panel and was recused.

Ms. Jimenez represented the Department and presented the case to the Commission. Commissioner Hornsleth moved to reject the stipulation; Commissioner Fryer seconded the rejection; the motion passed without dissent.

**Action Taken:** Stipulation rejected.

**Tabs R-W – Richard Jahmar Houston, BK3251587; Case No. 2018037608, 2018040059, 2018040933, 2018042417, 2018042429 and 2018047031 – Voluntary Surrender**

Respondent was not present and was not represented by counsel. No current members were recused.

Ms. Bohanan represented the Department and presented the case to the Commission. The Commissioners entered into discussion. Commissioner Fryer moved to accept the Voluntary Relinquishment for Permanent Revocation; seconded by Commissioner Sanchez; the motion passed without dissent.

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

**Tabs X-AC – Next One Realty, Inc., CQ1055011; Case No.2018038719, 2018040947, 2018041135, 2018042489, 2018042509 and 2018047450 – Voluntary Surrender**

Respondent was not present and was not represented by counsel. No current members were recused.

Ms. Bohanan represented the Department and presented the case to the Commission. The Commissioners entered into discussion. Commissioner Fryer moved to accept the Voluntary Relinquishment for Permanent Revocation; seconded by Commissioner Sanchez; the motion passed without dissent.

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

**Tab AD – Dagoberto Rodriguez, SL 3172594; Case No.2017034129 – Voluntary Surrender**

Respondent was not present and was not represented by counsel. Commissioner Sanchez served on the probable cause panel and was recused.

Ms. Jimenez represented the Department and presented the case to the Commission. The Commissioners entered into discussion. Commissioner Fryer moved to accept the Voluntary Relinquishment for Permanent Revocation; seconded by Commissioner Sanchez; the motion passed without dissent.

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

**Tab AH – Darrell Elmore and Associates, CQ1035793; Case No.2016059265 – Motion for Finding of Waiver and Entry of Final Order**

Respondent was not present and was not represented by counsel. Commissioner Sanchez served on the probable cause panel and was recused.

Ms. Bohanan represented the Department of Business. The Commission granted the waiver hearing. Commissioner Schwartz moved to find the Respondent guilty as charged in Administrative Complaint, Commissioner Fryer seconded the motion; the motion passed without dissent. Commissioner Sanchez moved; seconded by Commissioner Hornsleth; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of \$495.00. **Violation(s):** Section 475.25 (1)(d) through a violation of 475.227(1)(t) Florida Statutes, by failing to report in writing to the board or the department within 30 days after the Respondent is convicted or found guilty of, or entered a plea of nolo contendere or guilty, regardless of adjudication, a crime in any jurisdiction.

**Tab AK – Darrell Elmore, BK320529; Case No.2016053164 – Motion for Finding of Waiver and Entry of Final Order**

Respondent was not present and was not represented by counsel. Commissioner Sanchez served on the probable cause panel and was recused.

Ms. Bohanan represented the Department of Business. The Commission granted the waiver hearing. Commissioner Fryer moved to find the Respondent guilty as charged in Administrative Complaint, Commissioner Hornsleth seconded the motion; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Schwartz; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation. **Violation(s):** Section 475.25(1)(d) 1, Florida Statutes, by failing to timely account or deliver to any person, including a license under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon a demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check, draft, abstract title, mortgage, conveyances, lease or other document or things of value.

**Tabs AI-AJ – Joel De Jesus Ocasio, SL3271625 Case Nos. 2016046305 and 2017053276 – Motion for Finding of Waiver and Entry of Final Order**

Respondent was not present and was not represented by counsel. No current members were recused.

Ms. Bennett, Certified Legal Intern, represented the Department of Business. The Commission granted the waiver hearing. Commissioner Sanchez moved to find the Respondent guilty as charged in Administrative Complaint, Commissioner Fryer seconded the motion; the motion passed without dissent. Commissioner Sanchez moved; seconded by Commissioner Schwartz; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; administrative fine of \$3,500.00; investigative costs of \$486.00 (**Case No. 2016046305**). Revocation; administrative fine of \$5,000.00; investigative costs of \$206.25 (**Case No. 2017053276**). **Violation(s):** (**Case No.201604635**) Section 475.25(1)(b), Florida Statutes, by being guilty of dishonest dealings, culpable negligence or breach of trust, or has formed an intent, design or scheme to engage in any such misconduct and committed an overt act in furtherance of such intent, design or scheme; Section 455.227(1)(m), Florida Statutes, by making deceptive, untrue or fraudulent representation in or related to the practice of a profession or employing a trick or scheme in or related to practice of a profession. Section 475.25(1)(e), Florida Statutes, when Respondent violated Final Order under the provisions of chapter 455 or 475 by failing to complete two 2-day FREC meetings, by failing to pay an administrative fine of \$1,000.00 and investigative costs of 874.50 to DBPR within 12 months of the filing date of the order.

**Tabs AA-AB –Imelda Gonzalez, SL 3069735; Case No(s) 2017000568, 2017046895, 2017049525, 2017051511, 2016043860, 2017009966, 2017047946, 2017049720, 2017046390, 2017051490, 2017054011, 0217055475, 2017055479, 2017059931, 2016016326 and 2017000688 – Motion for Finding of Waiver and Entry of Final Order**

**Case No. 2016016326 and 2017000688:** Was withdrawn by the Department.

Respondent was not present and was not represented by counsel. No current members were recused.

Mr. Maas represented the Department. The Commission granted the Motion for Waiver. Commissioner Sanchez moved to find the Respondent guilty as charged in the Administrative Complaint; seconded by

Commissioner Schwartz; the motion passed without dissent. Commissioner Sanchez moved; seconded by Commissioner Hornsleth; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; pay investigative costs as follows: Case No. 2017-000568, \$577.20; Case No. 2017-046895, \$173.25; 2017-049525, \$214.50; 2017-051511, \$272.75; 2016-043860, \$684.75; 2017-009966, \$678.15; 2017-047946, \$173.25; 2017-049720, \$346.50; 2017-046390, \$288.75; 2017-051490, \$280.50; 2017-054011, \$445.50; 2017-055475, \$313.50; 2017-055479, \$338.25; 2017-059931, \$264.00. **Violation(s):** Section 475.25(1)(e) Florida Statutes, through a violation of Rule 61J2-5.016, Florida Administrative Code, by being an officer and or director of Arcadia, even after notice from the Department in 2012 regarding the impropriety of such an arrangement; Section 475.42(1)(b), Florida Statutes, by holding an officer and /or director position in Arcadia and Maintaining signatory authority over an escrow account; Section 475.25(1)(k), Florida Statutes, by contrary to the terms of both the Contract and the Deposit Receipt, misdirecting Buyer's Escrow into Respondent's and Arcadia's operating account; Section 455.227(1)(m), Florida Statutes, by making untrue statements in or related to the practice of a profession; Section 475.42(1)(a), by facilitating a real estate transaction while her license was inactive; Section 475.25(1)(d)1, Florida Statutes, by failing to timely account for or deliver the escrow and commingling the escrow deposit with the operating funds and commingling the escrow deposit with the operating funds .

**Tab AR – Jody Hess, SL 3032852; Case No.2017031346 – Motion for Finding of Waiver and Entry of Final Order**

Respondent was not present and was not represented by counsel. Commissioner Sanchez served on the probable cause panel and was recused.

Ms. Bohanan represented the Department of Business. The Commission granted the waiver hearing. Commissioner Fryer moved to find the Respondent guilty as charged in Administrative Complaint, Commissioner Hornsleth seconded the motion; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Hornsleth; the motion passed without dissent to impose the following sanctions:

**Action Taken:** Revocation; investigative costs of \$627.00. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by being guilty of dishonest dealings, culpable negligence or breach of trust, or has formed an intent, design or scheme to engage in any such misconduct and committed an overt act in furtherance of such intent, design or scheme; Section 475.42 (1)(b), Florida Statute, A person licensed as a sales associate may not operate as a broker. Section 475.25 (1)(k) Florida Statute, Respondent failed to immediately place, upon receipt, any money, fund, deposit, check or draft entrusted to her or him by any person dealing with her or him as a broker in escrow with a title company banking institution credit union or savings and loans association located or doing business in this state, or to deposit such funds in a trust or escrow account maintained by her or him with some bank, credit union, or savings and loans association located and doing business In this state, wherein that funds shall be kept until disbursement thereof properly authorized; or has failed, if sales associate to immediately place with her or his registered employer any money, fund deposit, check or draft entrusted to her or him by any person dealing with her or him as agent of the registered employer.

**Tabs AS-AV – Jacqueline Larson, SL3032041; Case No.2018005531, 2017040137, 2017045155, 2018007469 – Motion for Finding of Waiver and Entry of Final Order**

Respondent was not present and was not represented by counsel. Vice-Chair Ketcham served on the probable cause panel and was recused.

Mr. Maas represented the Department of Business. The Commission granted the waiver hearing. Commissioner Hornsleth moved to find the Respondent guilty as charged in Administrative Complaint, Commissioner Sanchez seconded the motion; the motion passed without dissent. Commissioner

Hornsleth moved; seconded by Commissioner Sanchez; the motion passed without dissent to impose the following sanctions:

**Action Taken:** Revocation. **Violation(s): (Case No. 2018005531, 2017040137, 2018007469)** Section 475.25(1)(b), Florida Statutes, by being guilty of dishonest dealings, culpable negligence or breach of trust, or has formed an intent, design or scheme to engage in any such misconduct and committed an overt act in furtherance of such intent, design or scheme; Section 475.42 (1)(b), Florida Statute, A person licensed as a sales associate may not operate as a broker. Section 475.25(1)(d), Florida Statute, as a sales associate, by collecting any money in connection with any real estate brokerage transaction, whether as a commission, deposit, payment, rental or otherwise, except in the name of the employer and with the express consent of the employer. **(Case No. 2017045155)** Section 475.227(1)(t) Florida Statutes, when Respondent failed to report in writing to the board or the department within 30 days after the Respondent is convicted or found guilty of, or entered a plea of nolo contendere or guilty, regardless of adjudication, a crime in any jurisdiction.

**Tab AW – Diana Padron, BK 3024503; Case No. 2016022032 – Motion for Finding of Waiver and Entry of Final Order**

Respondent was not present and was not represented by counsel. Chair Fitzgerald and Commissioner Sanchez served on the probable cause panel. Commissioner Sanchez was recused and Chair Fitzgerald was not present.

Mr. Maas represented the Department of Business. The Commission granted the waiver hearing. Commissioner Hornsleth moved to find the Respondent guilty as charged in Administrative Complaint, Commissioner Fryer seconded the motion; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fryer; the motion passed without dissent to impose the following sanctions:

**Action Taken:** Revocation. **Violation(s):** Section 475.25(1)(d) 1, Florida Statute, by failing to account or deliver to any person, including a license under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon a demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check, draft, abstract title, mortgage, conveyances, lease or other document or things of value; Section 475.25(1)(b), Florida Statutes, by being guilty of dishonest dealings, culpable negligence or breach of trust, or has formed an intent, design or scheme to engage in any such misconduct and committed an overt act in furtherance of such intent, design or scheme. Section 475.25(1)(e), Florida Statutes, through a violation of 61J2-14.012(2) Administrative Code, by failing to make a written statement comparing the broker's total liability with the reconciled bank balance(s) of all trust accounts. Section 475.25(1)(v), Florida Statutes, for failing to review the brokerage's trust accounting procedures in order to ensure compliance with Chapter 475.

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

**Tab E – Instructor Development Training – New Course (4 hours teaching techniques, classroom) – application number 35241 – Ling and Associates LLC.**

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

## Special Agenda

### Communication from Brian Keith Stanfield regarding request for multiple broker license

Mr. Stanfield was present. After discussion, Commissioner Fryer moved to approve Mr. Stanfield's request for a multiple broker license; seconded by Commissioner Schwartz. The motion passed without dissent.

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

**Tab A** – *Accredited Buyer's Representative Designation Course- Consideration of Final Exam* – New Course (8 hours Specialty, distance learning) – application number 33406 – 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 B** – *Florida Sales Pre License (Online)* – New Course (63 hours pre-licensing, classroom) – application number 35445 – Harry Llenza School of Real Estate

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 C** – *Florida Sales Post License (Online)* – New Course (45 hours post-licensing, distance) – application number 35447 – Harry Llenza School of Real Estate

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 D** – *Florida Broker Sales Pre License* – New Course (72 hours pre-licensing, distance) – application number 35453 – Harry Llenza School of Real Estate

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 F** – *Keys to completing an accurate CMA value* – New Course (2 hours specialty, live stream) – application number 35271 – Realty and Insurance U, LLC

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 G** – *Instructional Technique for Instructors* – New Course (4 hours teaching techniques, classroom) – application number 35271 – Realty and Insurance U, LLC.

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 4-1.

## Reports

The following reports were presented to the Commission:

Enforcement Trends and Escrow Audits Reports  
Unlicensed Activity Report  
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. The Commissioner received comments from Ms. Marcia Tabak, Counsel for Florida Realtors. After discussion, Ms. Stern stated that she will provide a proposed draft for consideration and workshop at a meeting in the near future.

**Executive Director’s Report**

Ms. Crawford stated the discussion relating to broker qualification standards has been postponed to February.

Ms. Crawford thanked the Commission and staff for a great meeting.

**Public Comments**

The Commission offered, however, did not receive any public comments from members of the audience.

**Adjournment**

There being no other business, the Chair adjourned the meeting at approximately 1:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for February 12 and 13, 2019, in Orlando.

ATTEST:

  
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Patti Ketcham, Vice-Chair  
Florida Real Estate Commission

  
\_\_\_\_\_  
Lori Crawford, Executive Director  
Florida Real Estate Commission