

Halsey Beshears, Secretary

Ron DeSantis, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
February 12 and 13, 2019
General Meeting**

February 12, 2019

Chair Patricia Fitzgerald called the meeting of the Florida Real Estate Commission to order at approximately 8:30 a.m., in Orlando, Florida, on this Tuesday, the 12th of February 2019.

Commissioners

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

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
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
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

Education Specialist Jocelyn and Velicia Simmons, Intern presented 42 Summary of Applicants requesting to sit for the real estate examination.

1. Agenda B, Tab Q – Leanela Reina Zamora, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
2. Agenda A, Tab J – Raymond Arias, present; represented by John Samaan, Esquire, present; Sales associate application approved; Commissioner Schwartz/ Commissioner Fryer; unanimous vote.
3. Agenda A, Tab A – Jamison Tyler Fox, present; represented by Mr. Sommerville, Esquire; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

4. Agenda A, Tab F – Brandon Bond Senderling, present; represented by Daniel Villazon, Esquire, present; Sales associate application continued; Commissioner Schwartz/Commissioner Sanchez; unanimous vote.
5. Agenda A, Tab G – Ashley Katrice Williams, present; represented by Daniel Villazon, Esquire, present; Sales associate application approved; Commissioner Hornsleth/Fryer; unanimous vote.
6. Agenda A, Tab P – Yadira Elvira Garrido, present; represented by Daniel Villazon, Esquire, present; Sales associate application denied; Commissioner Fryer/Ketcham; unanimous vote.
7. Agenda A, Tab Q – Lawrence Gerard Getting, Jr., present; represented by Daniel Villazon, Esquire, present; Sales associate application approved; Commissioner Fryer/Commissioner Ketchum; unanimous vote
8. Agenda A, Tab R – James Joseph Heidisch, present; represented by Daniel Villazon, Esquire, present Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
9. Agenda A, Tab Y – Kyle Mcdannald, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
10. Agenda B, Tab A – Guilande Acloque, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; 3-2 vote.
11. Agenda A, Tab L – Robert Edward Beryl, present; sales associate application approve; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
12. Agenda A, Tab N – James Patrick Dickerson, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
13. Agenda A, Tab O – Maria E Escarria, present; Sales associate application approved; Commissioner Fyer/Commissioner Schwartz; unanimous vote.
14. Agenda A, Tab S – Silvana Rae Henry, present; Sales associate application approved contingent on a clean application; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
15. Agenda A, Tab T – Steven Jarecki, present; Sales associate application approved; Commissioner Fyer/Commissioner Ketchum; unanimous vote.
16. Agenda A, Tab U – Antonio Yvon Joseph, present; Sales associate application approved. Commissioner Hornsleth /Commissioner Schwartz; unanimous vote.
17. Agenda A, Tab W – Vassilios Kalyvas, present; Sales associate application approved. Commissioner Hornsleth /Commissioner Schwartz; unanimous vote.
18. Agenda A, Tab X– Francisco Manuel Matos, present; Sales associate application Sales associate application approved; Commissioner Schwartz /Commissioner Ketchum; 3-2 vote.
19. Agenda A, Tab Z – Tamika Moses, present; Instructor license application approved; Commissioner Sanchez /Commissioner Hornsleth; unanimous vote.
20. Agenda A, Tab AB – Terrell Davonso Rembert, present; Sales associate application approved; Commissioner Fryer/Commission Schwartz; unanimous vote.
21. Agenda A, Tab AC – Melanie Rojas, present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.

22. Agenda A, Tab AD – Joanmarie Roldan, present; Sales associate application approved; Commissioner Ketchum/Commissioner Hornsleth; unanimous vote.
23. Agenda A, Tab AF – John Allen Silliman; Broker application denied; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.
24. Agenda A, Tab AG – Manuel Silva, present; Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz; unanimous vote.
25. Agenda A, Tab AH – Orlando Silva, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
26. Agenda A, Tab AI – Mckenzie Strite, present; Sales associate application approve; Commissioner Ketchum/Commissioner Fryer; unanimous vote.
27. Agenda A, Tab AJ – Nir Zeer, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
28. Agenda B, Tab C – Markesha Altesiha Brockington, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 5-1 vote.
29. Agenda B, Tab D – Jshone Michelle Engram, present; Sales associate application approved contingent on a clean application; Commissioner Fryer/Commissioner Hornsleth ; 5-1 vote.
30. Agenda B, Tab E – Roy J Fishbeck, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz ; unanimous vote.
31. Agenda B, Tab F – Brooke Mckenzie Gantt, present; Sales associate application approved; Commissioner Fryer/Commissioner Ketchum; 4-2 vote.
32. Agenda B, Tab G – James Allen Hagel Ss, present; Sales associate application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; unanimous vote
33. Agenda B, Tab I – Elijah McCalister, present; Sales associate application approve; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
34. Agenda B, Tab J – Raquel Rose McDuffie, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth unanimous vote.
35. Agenda B, Tab K – Jeneese R Mckay, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; 5-1 vote.
36. Agenda B, Tab L – Kirk Vincent Mclain, present; Sales associate application continued; Commissioner Fryer moved for a continuance, applicant waived 90 days. Commissioner Hornsleth seconded the motion.
37. Agenda B, Tab M – Glenn Anthony Minardi, Jr., present; Sales associate application withdrawn.
38. Agenda B Tab N – Abby Lyn Nordholm; present; Sales associate application approve; Sanchez/Commissioner Fryer; unanimous vote.
39. Agenda B, Tab O – Julietta O Donnel, present; Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz, unanimous vote.
40. Agenda B, Tab P – Kevia Redding, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

41. Agenda B, Tab R – Earl Ignashus Thompson, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 5-1 vote.
42. Agenda B, Tab B – Tonya Marie Black, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
43. Agenda B, Tab H – Lynda Jean, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
44. Agenda A, Tab C – Nicole Miranda, not present; Sales associate application – informal hearing; Notice of Intent to Deny upheld; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
45. Agenda A, Tab D – Chase Martin Richardson, not present; Sales associate application – informal hearing; Notice of Intent to Deny upheld; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
46. Agenda A, Tab E – David Rusnak, not present; Sales associate – informal hearing; rescheduled.
47. Agenda A, Tab H – Amy Jeanne Ames, not present; Sales associate application denied; Commissioner Fryer/Vice-Chair Ketcham; unanimous vote.
48. Agenda A, Tab I – Gloria Aponte, not present; Sales associate application continued; applicant waived the 90-day requirement.
49. Agenda A, Tab K – Hunter Scott Beauregard, not present; Sales associate application rescheduled.
50. Agenda A, Tab M – Kevin Michael Branch, not present; Sales associate application rescheduled.
51. Agenda A, Tab V – Richard Jovel, not present; Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
52. Agenda A, Tab AA – Jose A. Perez, not present; Sales associate application approved; Commissioner Sanchez /Commissioner Hornsleth; unanimous vote.
53. Agenda A, Tab AE – Joseph Senat, not present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 5-1 vote.

Consent Agenda A

The Commission considered 45 applicants from the Consent Agenda A; Commissioner Hornsleth moved; Commissioner Sanchez seconded the motion to approve 25 applicants and require 20 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Abu Shkheidem, Nader	Goodman, Amanda Leah	Rodgers, Katie Patrice
Benito, Olga Lidia	Hrono, Sam	Russakis, Alida
Bernadotte, Valery	Hurtado, Marco Antonio	Stricklin, Todd
Carbonell, Charles T. Jr.	Jansheski, Mark J	Topkin, Jordan Mackenzie
Cloiseau, Marc	Jones, Samuel Otis	Van Dyke, Alexander Paul
Cox, Peron	Madish, Daniel M	Vondrell, Lawrence Joseph
Cronin, Matthew	Mills Martens, Donna Rae	Zanette, Gregory
Dillon, Matthew John	Roberts, Justin Monroe	Zierden, Andrea
Dimino, Victoria Ann		

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

Basso, Stephen Christopher	Gonzalez, Antonio M.	Mace, David Neal
Bradshaw, Nathan Allen	Gonzalez, Lucas	Mcintosh, Chavell Brittany
Chandler, Jason Todd	Harvey, Felecia Marie	Mcnealy, Chandrea
Chismar, Timothy John	Jenkins, Coletter Levette	Ramirez, Daniel
Davies, Hunter Lee	Johnson, Sharon D.	Rivera, Elexis
Delrivera, Fernando Corey	Jones, Broward Douglass	Shitta-Bey, Oladapo I.
Franco, Jorge	Lansdown, Christopher C.	

Consent Agenda B

The Commission considered 20 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 9 applicants and require 11 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Brossard, Kurt R.	Grafals, Efren Gerardo	Marquez, Armando F.
Dumont, Tyler E.	Kilmon, Tasha Alana	Mulligan, Ashley C.
Frye, Lavender Nofret	Mann, Lisa Reagan	

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

Caywood, Robin A.	Lopez, Eduardo Jose J.	Rice, Nicole Marie
Cuevas Garcia, Michael	Nelms, Ronda	Rotella, Christopher J.
Hayes, Kenneth	Orr, Beth Ann	Weisberg, Evan
Locke, Amanda	Parker, David Allen	

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 3:30 p.m. until 8:30 a.m. tomorrow.

February 13, 2019

Chair Fitzgerald reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 13th day of February 2019.

Commissioners

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

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

Staff

Katy McGinnis, Director
Amrita Singh, Deputy Director
Allison McDonald, Executive Director
Al Cheneler, 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.

Recovery Fund Claim

Tab A – Rahul Sahi v. Mohamed Shamsudeen Donald, DBPR Case No. 2018035110

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 Commissioner Schwartz moved to approve a Final Order Denying Recovery Fund Claim; Commissioner Fryer seconded. The motion carried without dissent.

Legal Appearance Docket

The Commission addressed the Legal Appearance Docket, hearing 30 docket items with the following results:

Tab A – Carmine R. Biello, Jr., SL 3279392; Case No. 2017060462 – Respondent's Request for Informal Hearing

Case withdrawn.

Tab C – Ryan K Gehris, BK 3187451; Case No. 2016054322 – Respondent's Request for Informal Hearing

Respondent was present; Respondent was represented by Michael Feinstein, Esquire. Chair Fitzgerald served on the probable cause panel and was recused.

Ms. Bohanan represented the Department and presented the case to the Commission. Commissioner Schwartz moved to dismiss the Administrative Complaint; seconded by Commissioner Fryer; the motion passed 4 to 1.

Action taken: Case dismissed.

Tab Q – South Florida Intl. Realty Elmore, CQ 1049754; Case No. 2017044786 – Motion for Finding of Waiver and Entry of Final Order

Respondent was 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. After discussion, Commissioner Hornsleth moved to continue the matter; Commissioner Schwartz seconded the motion; the motion passed without dissent.

Action taken: Case continued.

Tab E – Lazaro Heredia, BK 672363; Case No. 2017042438 – Respondent’s Request for Informal Hearing

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

Ms. Jimenez 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; motion passed without dissent to impose the following sanctions:

Penalty: Revocation; investigative costs of \$201.30. **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 produce certain rental statements and rental proceeds to the Property Owner. Section 475.42 (1)(c) Florida Statutes, by employing or continuing to employ a person as a sales associate who is not the holder of a valid and current license as sales associate.

General Business continued

Deputy Secretary Tim Page addressed the Commissioners and on behalf of the Department expressed appreciation for the Commissioners’ service to the industry. Deputy Secretary Page provided a summary of the recent Deregathon the Department held at the University of Central Florida and also thanked the Commissioners who were able to participate. The Commission thanked Deputy Secretary Page for attending the FREC meeting.

Legal Appearance Docket continued

Tab F – Joagab Realty Inc., CQ 1039128 Case No 2017049453 – Respondent’s Request for Informal Hearing

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

Ms. Jimenez 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 Schwartz; motion passed without dissent to impose the following sanctions:

Penalty: Revocation. **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 produce certain rental statements and rental proceeds to the Property Owner.

Tab L– Monica Waserstrom, SL 3250650; Case No. 2018026589– Respondent's Request for Informal Hearing

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

Ms. Jimenez represented the Department. Commissioner Fryer moved to find the Respondent guilty as charged in the Administrative Complaints; seconded by Commissioner Schwartz; the motion passed without dissent. Commissioner Fryer moved; seconded by Schwartz; motion passed without dissent to impose the following sanctions:

Penalty: Administrative fines \$500; investigative costs \$214.50; attend 1 complete FREC general meeting; probation for 6 months. **Violation:** Section 475.25 (1)(e) 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 K– Michelle Tubbs, SL3283043; Case No. 2018006352– Respondent's Request for Informal Hearing

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

Ms. Jimenez represented the Department. After discussion, Commissioner Fryer moved to find the Respondent guilty as charged in the Administrative Complaint; seconded by Vice-Chair Ketcham; the motion passed without dissent. Commissioner Fryer moved to wave the 6-hour property management course imposed in Case No. 2014039637 and dismiss the case; seconded by Commissioner Hornsleth; the motion passed without dissent.

Action taken: Case dismissed.

Tab H – Joy Schimborski a/k/a Shacklette, BK 3095109; Case No. 2018005409 – Respondent's Request for Informal Hearing

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

Ms. Jimenez 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 Fryer moved; seconded by Commissioner Ketchum; the motion passed with a 4-1 vote to impose the following sanctions:

Penalty: Administrative fine of \$1,000.00; investigative costs of \$297.00; probation for 9 months and 1 FREC meeting. **Violation(s):** 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.

Tab S – Amy Wagner, SL 3191195; Case No. 2018006344 – Motion for Finding of Waiver and Entry of Final Order

Respondent was 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 Commissions. Vice-Chair Ketcham moved to find the Respondent guilty as charged in Administrative Complaint; seconded by Commissioner Fryer; motion passed without dissent. Vice-Chair Ketcham moved; seconded by Commissioner Hornsleth; motion passed without dissent to grant an extension for 6 months to complete 2.5 meetings requirement imposed in Final Order Case No. 2011029076.

Action taken: Extension granted for 6 months. **Violation(s):** Section 475.25(1)(e), Florida Statutes, when Respondent failed to timely complete a lawful order imposed by FREC.

Tab B – Mercedes Fornaris, SL 3261723; Case No. 2018004619 – Respondent’s Request for Informal Hearing

Respondent was not present and 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 Fryer moved to find the Respondent guilty as charged in the Administrative Complaint; seconded by Commissioner Schwartz; motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Schwartz; motion passed without dissent to impose the following sanctions:

Penalty: Revocation; investigation costs of \$198.00. **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; Section 475.25(1)(p), Florida Statute, by failing to inform the Commission in writing in 30 days after a plea, or being convicted or found guilty of a felony.

Tab D – Reno O’Brien Harney, SL 3308418; Case No 2017032936 – Respondent’s Request for Informal Hearing

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

Mr. Maas represented the Department. Commissioner Hornsleth moved to find the Respondent guilty as charged in the Administrative Complaint; seconded by Commissioner Schwartz; the motion passed without dissent. Commissioner Schwartz moved; seconded by Commissioner Fryer; motion passed without dissent to impose the following sanctions:

Penalty: Suspension for 60 days; administrative fine of \$1,000.00; investigative costs of \$363.00, probation for 6 months and compliance. **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.

Tabs G – Debra Ann Nesor, BK 665569,3044744,3318045; Case No. 2016007944 – Respondent’s Request for Informal Hearing

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

Ms. Jimenez represented the Department. Commissioner Sanchez moved to find the Respondent guilty as charged in the Administrative Complaint; Commissioner Hornsleth seconded the motion; motion passed without dissent to impose the following sanctions:

Penalty: Revocation; administrative fine of \$3,500.00; investigative costs of \$1,625.25. **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 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; Section 475.25 (1)(k) Florida Statutes, by failing 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; 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; Rule 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 475.5015, Florida Statutes, through Section 475.285 (1)(e), Florida Statutes, by failing to keep and make available to the brokerage bank states, monthly reconciliation statement, and other documents necessary to ensure the brokerage's compliance.

Tab I – George Robert Stevenson, SL492522; Case No. 2018007493 – Respondent's Request for Informal Hearing

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. Respondent requested a continuance. Commissioner Schwartz moved to grant a continuance until March 2019; seconded by Commissioner Fryer; the motion passed.

Action taken: Case continued until March 2019.

Tab J – Zoe Linn Tischbin, BK3252586 Case No.2018006809– Respondent's Request for Informal Hearing

Respondent was not present; Respondent was represented by Michael Dye, Esquire, not present. Commissioner Sanchez served on the probable cause panel and was recused.

Ms. Jimenez represented the Department and presented the case to the Commission. Commissioner Fryer moved to find the Respondent guilty as charged in the Administrative Complaints; seconded by Commissioner Schwartz; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Schwartz; motion passed 4 to 1 to impose the following sanctions:

Penalty: Administrative fine of \$1,000.00; investigative cost of \$72.60; attend 1 complete FREC general meeting; probation for 6 months. **Violation(s):** Section 475.25 (1)(e) 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 M – Peter M. Kuc, SL 3016416; Case No. 2017004344– Settlement Stipulation

Respondent was present; Respondent was represented by Mark Bonfanti, Esquire. Commissioner Sanchez served on probable cause and was recused

Ms. Bohanan represented the Department and presented the case to the Commission. Commissioner Fryer moved to accept the settlement agreement; seconded by Commissioner Schwartz; the motion passed without dissent to accept the following;

Settlement: Suspension for 90 days; administrative fine of \$2,000.00; investigative costs of \$272.25; attend 1 complete FREC general meeting; complete a 14-hour continuing education course; probation for 6 months. **Violation:** 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.

Tab N – Melissa Ann Cooper, SL3358417 Case No. 2018004091 – Voluntary License 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. Commissioner Hornsleth moved to accept the Voluntary Relinquishment for Permanent Revocation; seconded by Commissioner Fryer; the motion passed without dissent.

Tab O – Jim M. Friesen, SL695082; Case No.2018023341– Voluntary License Surrender

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

Ms. Medich represented the Department and presented the case to the Commission. Commissioner Hornsleth moved to accept the Voluntary Relinquishment for Permanent Revocation; seconded by Commissioner Sanchez; the motion passed without dissent.

Tab P – Daniel J. Quintana, SL 3191195; Case No. 2017054324 – Motion for Finding of Waiver and Entry of Final Order

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

Mr. Maas represented the Department and presented the case to the Commission. Respondent requested a continuance. Commissioner Fryer moved to find the Respondent guilty as charged in the Administrative Complaint and grant a continuance until April 2019; seconded by Commissioner Ketcham; the motion passed 4 to 1.

Action taken: Case continued until April 2019.

Tab R – Kevin Tomlinson, SL 3191195; Case No. 2018033906 – 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. Jimenez represented the Department and presented the case to the Commission. Respondent requested a continuance. Commissioner Hornsleth moved to find the Respondent guilty as charged in the Administrative Complaint and grant a continuance until March 2019; seconded by Commissioner Fryer; the motion passed 4 to 1.

Action taken: Case continued until March 2019.

Review and Consideration of the Real Estate Education Courses

Tab A – *Block or Wood* – New Course (12 hours specialty, distance) – application number 35460 – G. C. Rushton

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

Tab B – *Block or Wood* – New Course (12 hours specialty, classroom) – application number 35461 – G. C. Rushton

The applicant was present in support of the application. Commissioner Fryer moved to approve the course for 8 hours; Commissioner Schwartz seconded the motion. The motion passed without dissent.

Tab C – *Florida Real Estate Law Update* – New Course (14 hours combination law, business ethics and specialty, distance) – application number 35239 – Moseley Real Estate Schools, Inc.

Application withdrawn.

Tab D – *Certified Negotiation Expert: Advanced Concepts* – New Course (15 hours specialty, classroom) – application number 35282 – Negotiation Expertise LLC

The applicant was not present. Commissioner Fryer moved to approve the course with conditions; Commissioner Hornsleth seconded the motion. The motion passed 5 to 1.

Tab E – *Global Real Estate: Local Markets* – New Course (7 hours specialty, classroom) – application number 35264 – Pinellas Suncoast Association of Realtors, Inc.

The applicant was not present. Commissioner Fryer moved to approve the course with conditions; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab F – *Asia/Pacific and International Real Estate* – New Course (7 hours specialty, classroom) – application number 35264 – Pinellas Suncoast Association of Realtors, Inc.

The applicant was not present. Commissioner Fryer moved to approve the course with conditions; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab G – *Code of Ethics* – New Course (4 hours teaching techniques, classroom) – application number 35295 – Pinellas Suncoast Association of Realtors, Inc.

The applicant was not present. Commissioner Fryer moved to approve the course with conditions; Commissioner Schwartz seconded the motion. The motion passed without dissent.

Tab H – *International Real Estate and The Americas* – New Course (7 hours specialty, classroom) – application number 35296 – Pinellas Suncoast Association of Realtors, Inc.

The applicant was not present. Commissioner Fryer moved to approve the course with conditions; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

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

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 61J2-3.009, Florida Administrative Code – Continuing Education for Active and Inactive Broker and Sales Associate Licensees

FREC Counsel Stern presented this rule for Commission discussion for a minor change. After discussion, Commissioner Fryer moved to adopt the language as discussed and amended; seconded by Commissioner Sanchez; the motion passed without dissent.

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

Ms. Stern 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.

Special Agenda

Petition for Rule Variance or Waiver received from Matthew Christian – VW 2019-009

Executive Director McDonald presented a Petition for Rule Waiver from the Petitioner for the Commission's review and consideration. Petitioner was present. The Commission entered into discussion. Commissioner Schwartz moved; Commissioner Fryer seconded the motion to deny the petition. The motion passed without dissent.

Discussion Relating to Broker Qualifications Standards

Chair Fitzgerald stated that this is a reoccurring item to discuss broker qualifications. Ms. Fitzgerald summarized that we have researched other the requirements of other states, however, to date the Commission has not come up with any proposals and asked the Commission to determine how it is going to move forward. The Commission entered into discussion. The Commission requested the Division set this discussion for Monday, March 11, 2019, at 10:00 a.m. Ms. McDonald responded affirmatively.

Rule discussion continued

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. Caruso, Assistant General Counsel, Florida Realtors. The Commission also received comments from several members of the audience. After discussion, Commissioner Fryer moved to amend the language as discussed; seconded by Commissioner Hornsleth; the motion passed without dissent.

Ms. Stern requested the Commission review the SERC checklist for approval. Commissioner Sanchez moved that there is no impact on small businesses; seconded by Commissioner Fryer; the motion passed without dissent.

Ms. Stern 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 be a minor violation; Commissioner Sanchez seconded the motion; the motion passed without dissent.

Chair's Comments

Chair Fitzgerald reported that four members of the Commissioners attended the Deregathon and found it interesting to see the rules and regulations for other Commissions and Boards.

Last, Chair Fitzgerald thanked the Commission and Division staff for a great meeting.

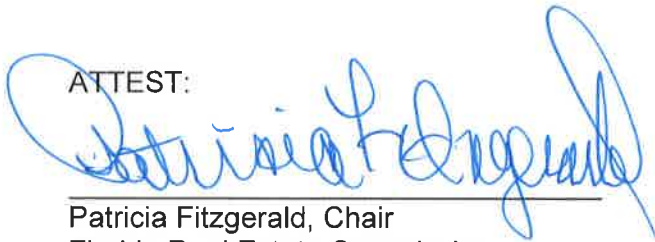
Public Comments

The Commission received comments from members of the audience.

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 3:05 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for March 12 and 13, 2019, in Orlando.

ATTEST:



Patricia Fitzgerald, Chair
Florida Real Estate Commission



Lori Crawford, Executive Director
Florida Real Estate Commission