

Halsey Beshears, Secretary

Ron DeSantis, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
May 21 and 22, 2019
General Meeting**

May 21, 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 21st day of May 2019.

Commissioners

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

Mr. Lawrence Harris, Senior Assistant Attorney General appeared as counsel for the Commission. Mr. Harris declared quorum present.

Staff

Katy McGinnis, Director
Amrita Singh, Deputy Director
Lori Crawford, Executive Director
Al Cheneler, Chief Attorney
Janice Lugo, Operations Support Supervisor
Megan McAvoy, Regulatory Consultant
Giuanna Corona, Regulatory Consultant
Dorothy Carter, Regulatory Specialist III
Thomas Jones, Administrative Assistant II
American Court Reporting, Inc. (407) 896-1813 provided court services.

Summary of Applicants

Regulatory Consultant Giuanna Corona presented 71 Summary of Applicants requesting to sit for the real estate examination.

1. Agenda A, Tab AL – Mayelin Mattig, present; represented by Mr. Daniel Villazon, Esquire, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 4-1 vote.
2. Agenda B, Tab C – Russell Samuel Adler, present; represented by Mr. Daniel Villazon, Esquire, present; Sales associate application approved; Commissioner Sanchez/Vice-Chair Ketcham; 4-1 vote.
3. Agenda A, Tab AN – David Andrew Meyers, present; represented by Mr. Daniel Villazon, Esquire, present; Sales associate application continued to June 2019.
4. Agenda A, Tab AV – Michael Joseph Rossi, present; represented by Mr. Daniel Villazon, Esquire, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.

5. Agenda A, Tab BB – Zoraida Velez Usera, present; represented by Mr. Daniel Villazon, Esquire, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; 4-1 vote.
6. Agenda A, Tab BA – Christopher Edward Stout, not present; represented by Mr. Daniel Villazon, Esquire, present; Sales associate application continued; applicant waived the 90-day requirement.
7. Agenda A, Tab AU – Erica Rosello, present; represented by Mr. Daniel Villazon, Esquire, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
8. Agenda A, Tab AK – Raymond Martinez, present; represented by Mr. Michael Lynch, Esquire; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 3-2 vote.
9. Agenda A, Tab AZ – Leyma M. Sosa, present; represented by Mr. Francisco Marty, Esquire, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; 3-2 vote.
10. Agenda A, Tab D – Krista Arlene Malloch, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
11. Agenda A, Tab E – Tobias Rinaldi, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
12. Agenda A, Tab F – Miguel Atkins, present; Sales associate application approved; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
13. Agenda A, Tab G – Kevin Brian Bensinger, present; Sales associate application approved; Commissioner Sanchez/Commissioner Schwartz; unanimous vote.
14. Agenda A, Tab H – David William Boose, present; Sales associate application withdrawn.
15. Agenda A, Tab I – Michael Peter Borci, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
16. Agenda A, Tab J – Nathan Allen Bradshaw, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
17. Agenda A, Tab K – Kevin Michael Branch, present; Broker application approved; Commissioner Sanchez/Commissioner Fryer; 4-1 vote.
18. Agenda A, Tab L – Vincent Keith Burnett, present; Broker associate application approved; Commissioner Fryer/Commissioner Sanchez; 4-1 vote.
19. Agenda A, Tab P – Mei Lashonda Clarkson, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
20. Agenda A, Tab Q – Phillip Delgado, present; Broker application approved with conditions; Commissioner Schwartz/Commissioner Fryer; 4-1 vote.
21. Agenda A, Tab R – Reed Elvis Everette Demos, present; Sales associate application approved; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
22. Agenda A, Tab S – Kenneth B. Dorian, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
23. Agenda A, Tab T – David Dukes, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; 4-1 vote.
24. Agenda A, Tab W – Robert Craig Finzel, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

25. Agenda A, Tab Y – Shanique Shadeki Gordon, present; Sales associate application withdrawn.
26. Agenda A, Tab AA – Caitlin Grace Hicks, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
27. Agenda A, Tab AB – Kathy Rudeinski Holt, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
28. Agenda A, Tab AD – John Senoj Jones, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
29. Agenda A, Tab AE – Tim W. Jones, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Hornsleth; unanimous vote.
30. Agenda A, Tab AF – James V. Joyce Jr., present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
31. Agenda A, Tab AG – Allison Denise Lee, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Ketchum; 3-2 vote.
32. Agenda A, Tab AH – Isaac John Loviglio, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
33. Agenda A, Tab AI – Jorge Gonzalo G. Marangunich, present; Sales associate application approved predicated on a clean application; Commissioner Fryer/Commissioner Schwartz; 4-1 vote.
34. Agenda A, Tab AJ – Bonnie Jean Marrero, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
35. Agenda A, Tab AM – Bruno Meteyry, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 3-2 vote.
36. Agenda A, Tab AO – Kaitlyn Miceli, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
37. Agenda A, Tab AP – Nathan Delordy Moss, present; Sales associate application approved; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
38. Agenda A, Tab AQ – Jamie Feffrey Pannucci, present; Sales associate application approved predicated on a clean application; Commissioner Fryer/Commissioner Schwartz; 4-1 vote.
39. Agenda A, Tab AS – Frederick F. Perry, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; 4-1 vote.
40. Agenda A, Tab AT – James Paul Richter, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
41. Agenda A, Tab AW – William Sanchez, present; Sales associate application approved; Commissioner Schwartz/Commissioner Hornsleth; unanimous vote.
42. Agenda A, Tab AY – Erick David Shumway, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; 3-2 vote.
43. Agenda A, Tab BC – Gerry Young, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 3-2 vote.
44. Agenda B, Tab A – Ivan Gonzalez, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

45. Agenda A, Tab A – Luis D. Alonzo, not present; Sales associate application continued.
46. Agenda A, Tab B – Jerrick Gonzalez, not present; Sales associate application continued.
47. Agenda A, Tab C – Tosheba Hope, not present; Sales associate application denied; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.
48. Agenda A, Tab M – Jihad Canaan, not present; Sales associate application approved; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.
49. Agenda A, Tab N – Ami Casper, not present; Sales associate application continued; applicant waived the 90-day requirement.
50. Agenda A, Tab O – Gabrielle Marie Chavez, not present; Sales associate application continued; applicant waived the 90-day requirement.
51. Agenda A, Tab U – Blanca Azucena Fajardo, not present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
52. Agenda A, Tab V – Jason Ferguson, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.
53. Agenda A, Tab X – Johanna Giraldo, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; 4-1 vote.
54. Agenda A, Tab Z – Cleveland Noel Hammond, not present; Broker application approved; Commissioner Fryer/Commissioner Sanchez; 3-2 vote.
55. Agenda A, Tab AC – Suzanne Johnson, not present; Sales associate application denied; Vice-Chair Ketchum/Commissioner Fryer; 4-1 vote.
56. Agenda A, Tab AR – Jacqueline Leigh Perez, not present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; 4-1 vote.
57. Agenda A, Tab AX – Nina Sanders, not present; Sales associate application continued; applicant waived the 90-day requirement.
58. Agenda A, Tab BD – Denise Ziemann, not present; Sales associate application continued; applicant waived the 90-day requirement.
59. Agenda B, Tab J – Nicolas Armando Gonzalez, present; Sales associate application approved; Commissioner Sanchez/Commissioner Schwartz; unanimous vote.
60. Agenda B, Tab B – Ebony B. Ace, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Ketcham; 4-2 vote.
61. Agenda B, Tab D – Tomika Aleya Barnes, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
62. Agenda B, Tab F – Trevor Stephen Blair, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
63. Agenda B, Tab G – Lloyd Brewer, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
64. Agenda B, Tab H – Casterine Castillo, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

65. Agenda B, Tab I – Yvette M. Cruz, present; Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz; unanimous vote.

66. Agenda B, Tab L – Daniel Allen Jones, present; Sales associate withdrew application.

67. Agenda B, Tab E – Tanya K. Batten, not present; Sales associate application denied; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.

68. Agenda B, Tab K – Ivan Ianakiev, not present; Sales associate application continued; applicant waived the 90-day requirement.

69. Agenda B, Tab M – Gurpreet Gordy Singh, not present; Broker application continued; applicant waived the 90-day requirement.

70. Agenda B, Tab N – Southern Key Properties Inc., not present; Corporation withdrew application.

71. Agenda B, Tab O – Raynold Trujillo, not present; Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

Consent Agenda A

The Commission considered 52 applicants from the Consent Agenda A; Commissioner Hornsleth moved; Commissioner Fryer seconded the motion to approve 35 applicants and require 17 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Ard, Leslie	Figueroa, Alex	Llorca, Carlo
Atulus, Richneider	Gallo, Ronald	Major, Rumi
Babbs, Helen	Grant, Juanel	Martin, Marissa
Bayens, Bryce	Guthrie, Ryan	McClellon, Hendrella
Becker, Kurt	Harman, Linda	Mellquist, Matthew
Bennett, Joseph	Hayden, Kortny	Meyers, Andrew
Bermudez, Anthonio	Ingram, Jermaine	Pearson, Russell
Brink, Charlotte	Jean-Pierre, Jerry	Poluga, John III
Brown, Thomas	Jennison, Zachary	Suesz, Eric
Charles, Susan	Jones, Jason	Taylor, Vanessa
Cusick, Casey	Kramer, Philip	Ward, Peter
Dailey, Brian	Landazuri, Valentino	

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

Babyemi, Tunde	Grossi, Blake	Mruwat, Micah
Blumenhagen, Paul	Head, Koko	Palacio, Diane
Brown, Mikaela	Hines Smith, Kaemal	Rivera, Giovanni
Calloway, Christopher	Housen, Sheena	Siegel, Brooks
Cruz Torregrosa, Miguel	Latiff, Matthew	Valencia, Noelia
Gaspar, Melissa	Masse, Louanna	

Consent Agenda B

The Commission considered 25 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 21 applicants and require 4 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Betancourt, Michele	Christian, Melissa	Evans, Joseph
Campili Jr., Rudolph	Clark, Gary	Faulkner Kozsuch, Alana

Gailie, Gary
Gardella, John
Hein, Marc
Kimbrouh, Nicole
Korfiatis, Ashley
Lambert Jr., Derreck

Lansiquot, Emanus
Leira, Maryori
Mondou, Kaylee
Morales Fernandez,
Richard
Newkirk, Shannon

Palen, Alexis
Sevilla, Antonio
Thomas, Lynnise
Washburn, Brooks

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

Alcantara, Tyree
Benoit, Jonathan

Nestan, Fafane
Rivera, Eric

Approval of the Minutes

Commissioner Fryer moved to approve the Minutes of the April 23 and 24, 2019, general meeting as written; Commissioner Schwartz seconded; 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 Harris reported on the status of rules currently open for discussion, workshop or rulemaking and addressed any questions from the Commission.

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 2:59 p.m. until 8:30 a.m. tomorrow.

May 22, 2019

Chair Fitzgerald reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this Wednesday, 22nd day of May 2019.

Commissioners

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

Commissioner Schwartz was excused and not present.

Mr. Lawrence Harris, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Harris declared a quorum present.

Staff

Amrita Singh, Deputy Director
Lori Crawford, Executive Director
Al Cheneler, 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)
Mackenzie Medich, Senior Attorney (via video conference)
Jocelyn Pomales, Education Coordinator
Giuanna Corona, Regulatory Consultant
Dorothy Carter, Regulatory Specialist III
Thomas Jones, Administrative Assistant II
American Court Reporting, Inc. (407) 896-1813 provided court services.

Escrow Disbursement Orders – Agenda

Mr. Cheneler presented 5 Escrow Disbursement Orders and 1 Order for the Commission's consideration.

Commissioner Fryer moved to approve Tabs A, B, C, D, E and F of the Escrow Disbursement Orders, seconded by Vice-Chair Ketcham; the motion passed unanimously without dissent.

Special Agenda

Tatiana Andrea Escobar – Application 5342842 – Experience Requirement

The applicant was present in support of the application. After discussion Commissioner Fryer moved to approve the application; seconded by Commissioner Sanchez. The motion passed without dissent.

Derrick Henry – Application 5352767 – Broker License by Mutual Recognition

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

Broker Syllabus Update Final Approval

Broker Syllabus is continued to the June Special Agenda.

Review and Consideration of the Real Estate Education Courses

Ms. Pomales presented 15 Real Estate Education Courses for the Commission's review and consideration.

Tab A – Homestead Exemption: Filing & Requirements – New Course (2 hours combination law, specialty and business ethics, classroom) – application number 35973 – Central Florida Real Estate Courses.

The applicant was not present in support of the application. Commissioner Fryer moved to approve the course; Vice-Chair Ketcham seconded the motion. The motion passed without dissent.

Tab B – Assistance Animals and The Law – New Course (2 hours combination law, specialty and business ethics, classroom) – application number 36027 – Central Florida Real Estate Courses

The applicant was not present in support of the application. Commissioner Fryer moved to approve the course; Vice-Chair Ketcham seconded the motion. The motion passed without dissent.

Tab C – Digital Marketing: Establishing a Social Media Brand – RS 139 – New Course (8 hour specialty, classroom) – application number 36277 – Council of Residential Specialists, An Affiliate of National A (new name: Residential Real Estate Council)

The applicant was not present in support of the application. Commissioner Fryer moved to conditionally approve the course with conditions; Vice-Chair Ketcham seconded the motion. The motion passed without dissent.

Tab D – Systems for REALTOR success – RS 138 – New Course (8 hour specialty, classroom) – application number 36279 – Council of Residential Specialists, An Affiliate of National A (new name: Residential Real Estate Council)

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

Tab E – First Time Home Buyer Specialist: A Blueprint for Success – RS 137 – New Course (8 hour specialty, classroom) – application number 36281 – Council of Residential Specialists, An Affiliate of National A (new name: Residential Real Estate Council)

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

Tab F – Teaching Techniques – New Course (4 hours teaching techniques, classroom) – application number 35589 – Dade Real Estate School

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

Tab G – Lead Generating – New Course (2 hour specialty, classroom) – application number 35910 – David Collins Schools LLC

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

Tab H – Credit Scoring Secrets Revealed – New Course (2 hour (per timeline) post licensing education, classroom) – application number 35924 – DBA Manic Marketing Machine Inc.

The applicant was not present in support of the application. Commissioner Fryer moved to approve the course; Vice-Chair Ketcham seconded the motion. The motion passed with a 3-1 vote.

Tab I – What Every Real Estate Agent Should Know About – Municipal Liens, Code Enforcement Violations, Permits and Pace – New Course (2 hour specialty, classroom) – application number 35821 – First American Title Insurance Company

The applicant was not present in support of the application. Commissioner Fryer moved to approve the course; Vice-Chair Ketcham seconded the motion. The motion passed without dissent.

Tab J – The Greatest Showman – New Course (4 hour specialty, classroom) – application number 36028 – Julianna e. Giordano, PA D/B/A Florida Advanced Real Estate School

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

Tab K – *Probate 101 for Realtors* – New Course (2 hour specialty, classroom) – application number 36058 – Law Offices of Justin B. Stivers LLC.

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

Tab L – *Commercial and Investment Real Estate: Tools of the Trade* – New Course (8 hour specialty, classroom) – application number 36157 – Memory Quest Inc.

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

Tab M – *Craft Brewery Real Estate Valuation* – New Course (2 hour specialty, classroom (panel discussion)) – application number 35925 – Region X of the Appraisal Institute

The applicant was present in support of the application. Commissioner Fryer moved to deny the course; Vice-Chair Ketcham seconded the motion. The motion passed without dissent.

Tab N – *FIRPTA: Foreign Investor US Tax Concerns* – New Course (2 hour specialty, classroom) – application number 36215 – Secured Land Transfer D/B/A Sunbelt Title Agency

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

Tab O – *Real Estate Liability – Protect Your License* – New Course (3 hour specialty and sales associate/broker post licensing course, classroom) – application number 36123 – Washburn Law

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

Legal Appearance Docket

The Commission addressed the Legal Appearance Docket, hearing 65 docket items with the following results:

By consent, Commissioner Fryer moved; seconded by Commissioner Sanchez; to accept the Voluntary Relinquishments of Licenses for Permanent Revocation for the following cases:

Tab AQ – Steven Arce, SL 32450086; Case No. 2018031636

Tab AR-AS – Allen Duquet, SL 512329; Case Nos. 2019006809 and 2019004533

Tab AT – Gennaro Realty Group Inc., CQ 1018229; Case No. 2018005678

Tab AU – Robert Hendricks, BK 334692; Case No. 2018039932

Tab AV-BA – Daniel Quintana, BK 3171198; Case Nos. 2017028829, 2017055372, 2018008927, 2017028831, 2017054324 and 2018064332

Tab BB – Nicole Joan Sambrato, BK 697043; Case No. 2017057447

Tab AB – Keith G. Maitland, SL 3087592, Case No. 2017058479 – Respondent’s Request for Informal Hearing

The Respondent was present and represented by counsel, Mr. Stanley Dale Klett Jr., Esquire, present. Commissioner Hornsleth served on the probable cause panel and was recused.

Mr. Aring represented the Department. After discussion Commissioner Sanchez moved; seconded by Commissioner Fryer to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice-Chair Ketcham moved; seconded by Commissioner Fryer; the motion passed without dissent to impose the following sanctions:

Action Taken: Suspension for 90 days; investigative costs of \$412.50. **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)(a), Florida Statutes, through a violation of 455.227(1)(m), Florida Statutes, by making untrue or fraudulent representations in or related to the practice of a profession or employing a track or scheme in or related to the practice of the profession.

Tab W – Henry Thomas Hammond Jr., SL 3336763, Case No. 2018014584 – Respondent’s Request for Informal Hearing

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

Mr. Maas represented the Department. After discussion Commissioner Hornsleth moved; seconded by Commissioner Fryer to find the Respondent guilty as charged in 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:

Action Taken: Administrative fine of \$1,000.00; investigative costs of \$478.60. **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 AC – Anthony Michael Mazzucca Jr., BK 3164510, Case No. 2018025637 – Respondent’s Request for Informal Hearing

The Respondent was present and represented by counsel, Mr. Daniel Villazon, Esquire, present. Commissioner Fryer served on the probable cause panel and was recused.

Mr. Maas represented the Department. After discussion Commissioner Hornsleth moved; seconded by Vice-Chair Ketcham to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent.

Action Taken: Case continued to June 2019.

Tab AN – Farouk Ali, BK 3134852, Case No. 2016042019 – Settlement Stipulation

The Respondent was present and was represented by counsel; Mr. Daniel Villazon, Esquire. Commissioner Hornsleth served on the probable cause panel and was recused.

Ms. Bohanan represented the Department. Commissioner Sanchez moved; seconded by Vice-Chair Ketcham; the motion passed with a 2-1 vote to adopt the stipulation:

Action Taken: Administrative fine of \$1,000.00; investigative costs of \$138.60; probation for 3 months; one complete FREC meeting. **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; 475.25(1)(e), Florida Statutes, through a violation of Section 475.5015, Florida Statutes, by failing to keep and making available to the department such books, accounts, and records as will enable to the department to determine whether such broker is in compliance with the provisions of this chapter.

Tab AO – David Fernando Cevallos, BK 3150810, Case No. 2017061623 – Settlement Stipulation

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

Ms. Jimenez represented the Department. Commissioner Sanchez moved; seconded by Commissioner Fryer; the motion passed without dissent to deny the Settlement Stipulation. The Commission offered a Counter Settlement Stipulation. Mr. Villazon accepted the offer on behalf of the Respondent. Commissioner Fryer moved; seconded by Commissioner Hornsleth; the motion passed with a 2-1 vote to accept the Counter Settlement Stipulation imposing the following:

Action Taken: Suspension for 60 days; administrative fine of \$1000.00; investigative costs of \$1,130.25; complete a 30-hour Broker Management course. **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)(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 board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

Tab AP – Greg W. Stier, BK 647401, Case No. 2017006115 – Settlement Stipulation

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

Ms. Bohanan represented the Department. Mr. Villazon withdrew the Settlement Stipulation and requested the matter be referred to the Division of Administrative Hearings (DOAH.)

Action Taken: Case referred to DOAH.

Tab A-J – David L. Birr, BK 639490, Case Nos. 2018020376, 2018059688, 2017028505, 2018007919, 2018036061, 2018043218, 2018049345, 2018051149, 2018057950, 2019010775 – Respondent's Request for Informal Hearing

The Respondent was present and not represented by counsel. Commissioner Sanchez served on the probable cause panel for Case Nos. 2018020376, 2017028505, 2018007919 and was recused from all cases. Probable cause was waived in the remaining cases.

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

Action Taken: Administrative fine of \$1,000.00; investigative costs of \$3854.40; complete a 4-hour Escrow Management course; probation for 1 year. **Violation(s):** **Case Nos. 2018020376, 2017028505, 2018007919, 2018036061, 2018043218, 2018049345, 2018051149, 2018057950 and 2019010775** - 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; **Case Nos. 2018020376, 2018059688, 2017028505, 2018007919, 2018036061, 2018043218, 2018049345, 2018051149, 2018057950 and 2019010775** - 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; **Case Nos. 2018020376, 2017028505, 2018007919, 2018036061, 2018043218 and 2018049345** - Section 475.25(1)(v), Florida Statutes, by failing as a broker, to review the brokerage's trust accounting procedures; **Case Nos. 2018020376, 2017028505, 2018007919, 2018036061, 2018043218 and 2018049345** - Section 475.25(1)(e), Florida Statutes, through a violation of Rule 61J2-14.012(2), Florida Administrative Code, by failing to make a written statement comparing the broker's total liability with the reconciled back balance(s) of all trust accounts.

Tab M-V – First in Real Estate, LLC., CQ 1040913, Case Nos. 2017028511, 2018017675, 2018024714, 2018036065, 2018043219, 2018043272, 2018058264, 2018059210, 2018059687 and 2019012464 – Respondent's Request for Informal Hearing

The Respondent was present and not represented by counsel. Commissioner Sanchez served on the probable cause panel for Case Nos. 2017028511, 2018017675, 2018024714 and was recused from all cases. Probable cause was waived in the remaining cases.

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

Action Taken: Investigative costs of \$1,790.25. **Violation(s): Case Nos. 2017028511, 2018017675, 2018024714, 2018036065, 2018043219, 2018043272, 2018058264, 2018059210, 2018059687 and 2019012464** – 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; **Case Nos. 2017028511, 2018017675, 2018024714, 2018036065, 2018043219, 2018043272** – 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; **Case Nos. 2017028511, 2018017675, 2018024714, 2018036065, 2018043219, 2018043272** - Section 475.25(1)(e), Florida Statutes, through a violation of Rule 61J2-14.012(2), Florida Administrative Code, by failing to make a written statement comparing the broker's total liability with the reconciled back balance(s) of all trust accounts; **Case Nos. 2017028511, 2018017675, 2018024714, 2018036065, 2018043219, 2018043272** – Section 475.25(1)(v), Florida Statutes, by failing as a broker, to review the brokerage's trust accounting procedures.

Tab K – Joanna L. Browning, SL 3390031, Case No. 2018026871 – Respondent's Request for Informal Hearing

The Respondent was present and not represented by counsel. Probable cause was waived. Commissioner Fryer was recused from the case.

Ms. Medich represented the Department. After discussion Commissioner Sanchez moved; seconded by Commissioner Hornsleth to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Sanchez moved; seconded by Vice-Chair Ketcham; the motion passed without dissent to impose the following sanctions:

Action Taken: Investigative costs of \$141.90; complete a 45-hour Post License education course to include Ethics. **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)(r), Florida Statutes, by failing to give the principal(s) a legible, signed, true and correct copy of the listing agreement within 24 hours of obtaining the listing agreement.

Tab L – Mark S. Davis, BK 3209459, Case No. 2018021778 – Respondent’s Request for Informal Hearing

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

Mr. Aring represented the Department. After discussion Commissioner Hornsleth moved; seconded by Vice-Chair Ketcham to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Ketcham; the motion passed without dissent to impose the following sanctions:

Action Taken: Administrative fine of \$250.00; investigative costs of \$214.50. **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 board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

Tab AA – Robert James Ligotti, SL 3277314, Case No. 2018008364 – Respondent’s Request for Informal Hearing

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

Ms. Medich represented the Department. After discussion Commissioner Hornsleth moved; seconded by Vice-Chair Ketcham to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Ketcham; the motion passed without dissent to impose the following sanctions:

Action Taken: Suspension for 90 days; investigative costs of \$115.50; complete a 3-hour Ethics course. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC.

Tab AD – Shaun Kaileb McColley, SL 3327132, Case No. 2018008460 – Respondent’s Request for Informal Hearing

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

Mr. Aring represented the Department. After discussion Commissioner Sanchez moved; seconded by Commissioner Hornsleth to find the Respondent guilty of Count 1 in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Ketcham; the motion passed without dissent to impose the following sanctions:

Action Taken: Administrative fine of \$250.00; investigative costs of \$1040.10; Count 2 of the Administrative Complaint was dismissed. **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; Section 475.25(1)(p), Florida Statutes, by failing to inform the commission in writing within 30 days after entering a plea, or being convicted or found guilty of a felony.

Tab AE – Marilyn Lawson Miller, SL 687320, Case No. 2018007208 – Respondent’s Request for Informal Hearing

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

Mr. Aring represented the Department. After discussion Commissioner Sanchez moved; seconded by Vice-Chair Ketcham to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Ketcham; the motion passed without dissent to impose the following sanctions:

Action Taken: Administrative fine of \$250.00; investigative costs of \$528.00; probation for 3 months.

Violation(s): Section 475.25(1)(a), Florida Statutes, through a violation of 455.227(1)(t), Florida Statutes, by failing to report in writing to the board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

Tab AL – Rolando G. Tapanes, SL 3068993, Case No. 2018051553 – Respondent’s Request for Informal Hearing

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

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

Action Taken: Administrative fine of \$500.00; investigative costs of \$213.20; complete a 3-hour Ethics course. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC.

Tab AM – Burton Anthony Zupa, SL 452423, Case No. 2018015311 – Respondent’s Request for Informal Hearing

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

Ms. Medich represented the Department. After discussion Commissioner Sanchez moved; seconded by Commissioner Hornsleth to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Ketcham; the motion passed without dissent to impose the following sanctions:

Action Taken: Investigative costs of \$165.00; complete a 3-hour Core Law course; probation for 60 days. **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 board within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

Tab BE – David John Briley, SL 3140205; Case No. 2018008393 – Motion for Finding of Waiver and Entry of Final Order

The Respondent was present. Commissioner Sanchez served on the probable cause panel and was recused.

Ms. Bohanan represented the Department. The Commission granted the motion for a waiver hearing. After discussion Commissioner Hornsleth moved; seconded by Commissioner Fryer to continue the case to the June 2019; the motion passed without dissent.

Action Taken: Case continued.

Tab AG – Kevin L. Moyer, BK 3087192, Case No. 2017054809 – Respondent’s Request for Informal Hearing

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

Mr. Aring represented the Department. After discussion Commissioner Sanchez moved; seconded by Vice-Chair Ketcham to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent.

Action Taken: Case continued to June 2019.

Tab X – Christine Jane Herron, SL 3327155, Case No. 2018034703 – Respondent’s Request for Informal Hearing

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

Mr. Maas represented the Department. After discussion Commissioner Fryer moved; seconded by Commissioner Sanchez to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Fryer moved; seconded by Vice-Chair Ketcham; the motion passed with a 2-1 vote to impose the following sanctions:

Action Taken: Administrative fine of \$1,000.00; investigative costs of \$264.00; probation for 6 months; attend one complete 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; 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 board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

Tab Y – Jae Hong, SL 3254461, Case No. 2018007792 – Respondent’s Request for Informal Hearing

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

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

Action Taken: Suspension of 3 years; administrative fine of \$1,000.00; investigative costs of \$521.40; probation for 3 years; one complete FREC meeting. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC.

Tab Z – Jason Laskey, BK 3111637, Case No. 2018055068 – Respondent’s Request for Informal Hearing

The Respondent was not present and not represented by counsel. Probable case was waived and no Commissioners were recused.

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

Action Taken: Administrative fine of \$500.00; investigative costs of \$337.20; probation for 6 months; one complete FREC meeting. **Violation(s):** Section 475.25(1)(a), Florida Statutes, through a violation of 455.227(1)(t), Florida Statutes, by failing to report in writing to the board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

Tab AF – Olivera Milosavljevic, BK 3151681, Case No. 2018043654 – Respondent’s Request for Informal Hearing

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

Ms. Bohanan represented the Department. After discussion Commissioner Hornsleth moved; seconded by Vice-Chair Ketcham to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Ketcham; the motion passed without dissent to impose the following sanctions:

Action Taken: Suspension for 6 months; investigative costs of \$288.75; probation for 6 months; one complete FREC meeting. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC (2015-005971.)

Tab AH – Christine Michelle Paquin, SL 3235194, Case No. 2018008457 – Respondent’s Request for Informal Hearing

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

Mr. Aring represented the Department. After discussion Vice-Chair Ketcham moved; seconded by Commissioner Fryer to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice-Chair Ketcham moved; seconded by Commissioner Fryer; the motion passed without dissent to impose the following sanctions:

Action Taken: Revocation; administrative fine of \$1,000.00; investigative costs of \$354.75. **Violation(s):** Section 475.25(1)(a), Florida Statutes, through a violation of 455.227(1)(t), Florida Statutes, by failing to report in writing to the board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

Tab AI – Bill Wayde Peugh, SL 655390, Case No. 2018023470 – Respondent’s Request for Informal Hearing

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

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

Action Taken: Administrative fine of \$500.00; investigative costs of \$580.80; probation for 6 months; one complete FREC meeting. **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 board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

Tab AJ – Robert Reyes, SL 6113137, Case No. 2017035487 – Respondent’s Request for Informal Hearing

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

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

Action Taken: Revocation; investigative costs of \$283.80. **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 board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

Tab AK – Francisco X. Stagg, SL 3217122, Case No. 2018025598 – Respondent’s Request for Informal Hearing

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

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

Action Taken: Revocation; investigative costs of \$973.50. **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), 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)(e), Florida Statutes, through a violation of Rule 61J2-14.009, Florida Administrative Code, by failing to deliver any deposit to the broker, or employer, no later than the end of the next business day following the receipt of the item to be deposited; 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 BC – Ernesto Alfonso, SL 3371999; Case No. 2018025599 – Motion for Finding of Waiver and Entry of Final Order

The Respondent was not present. Commissioner Sanchez served on the probable cause panel and was recused.

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

Action Taken: Revocation; investigative costs of \$594.00. **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 475.25(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)(e), Florida Statutes, through a violation of Rule 61J2-14.009, Florida Administrative Code, by failing to deliver any deposit to the broker, or employer, no later than the end of the next business day following the receipt of the item to be deposited; Section 475.42(1)(d), Florida Statutes, by failing to collect any money in connection with any real estate brokerage transaction, whether as a commission, deposit, payment, rental, or otherwise, in the name of the employer and with the express consent of the employer.

Tab BD – Damon Brabson, SL 7474801; Case No. 2017060464 – Motion for Finding of Waiver and Entry of Final Order

The Respondent was not present. Commissioner Hornsleth served on the probable cause panel and was recused.

Ms. Medich represented the Department. The Commission granted the waiver hearing. After discussion Commissioner Fryer moved; seconded by Commissioner Sanchez to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Sanchez; the motion passed without dissent to impose the following sanctions:

Action Taken: Revocation; investigative costs of \$132.00. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC (2015002171.)

Tab BF – Alba Esperanza Fernandez, SL 641642; Case No. 2018002876 – Motion for Finding of Waiver and Entry of Final Order

The Respondent was not present. Commissioner Hornsleth served on the probable cause panel and was recused.

Ms. Medich represented the Department. The Commission granted the motion for a waiver hearing. After discussion Commissioner Fryer moved; seconded by Commissioner Sanchez to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Sanchez; the motion passed without dissent to impose the following sanctions:

Action Taken: Revocation; investigative costs of \$247.50. **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 BG – Christian Grasso, SL 3179971; Case No. 2018024028 – Motion for Finding of Waiver and Entry of Final Order

The Respondent was not present. Vice-Ketcham served on the probable cause panel and was recused.

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

Action Taken: Revocation; investigative costs of \$140.00. **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 board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

Tab BH – Hugo Luque, SL 3317263; Case No. 2017046906 – Motion for Finding of Waiver and Entry of Final Order

The Respondent was not present. Commissioner Sanchez served on the probable cause panel and was recused.

Mr. Maas represented the Department. The Commission granted the waiver hearing. After discussion Commissioner Hornsleth moved; seconded by Commissioner Fryer to find the Respondent guilty as charged in 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:

Action Taken: Revocation; investigative costs of \$495.00. **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)(d), Florida Statutes, by failing to collect any money in connection with any real estate brokerage transaction, whether as a commission, deposit, payment, rental, or otherwise, in the name of the employer and with the express consent of the employer; Section 475.25(1)(e), Florida Statutes, through a violation of Rule 61J2-14.009, Florida Administrative Code, by failing to deliver any deposit to the broker, or employer, no later than the end of the next business day following the receipt of the item to be deposited.

Tab BI – Aquila Mitchell, SL 3375397; Case No. 2017034695 – Motion for Finding of Waiver and Entry of Final Order

The Respondent was not present. Commissioner Hornsleth served on the probable cause panel and was recused.

Ms. Jimenez represented the Department. The Commission granted the waiver hearing. After discussion Commissioner Fryer moved; seconded by Commissioner Sanchez to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Sanchez; the motion passed without dissent to continue the case to June 2019.

Action Taken: Case continued to June 2019.

Tab BJ – Shirley Anne Pheasant, BK 3198167; Case No. 2017030330 – Motion for Finding of Waiver and Entry of Final Order

The Respondent was not present. Commissioner Hornsleth served on the probable cause panel and was recused.

Ms. Jimenez represented the Department. The Commission granted the waiver hearing. After discussion Commissioner Sanchez moved; seconded by Commissioner Fryer to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Sanchez moved; seconded by Commissioner Fryer; the motion passed without dissent to impose the following sanctions:

Action Taken: Revocation; administrative fine of \$5,500.00; investigative costs of \$660.00. **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 475.25(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)(e), Florida Statutes, through a violation of Rule 61J2-10.038, Florida Administrative Code, by failing to notify the BPR in writing of the current mailing address within 10 days after the change.

Tab BK – Victoria P. Phillips, BK 3090042; Case No. 2018037997 – Motion for Finding of Waiver and Entry of Final Order

The Respondent was not present. Commissioner Hornsleth served on the probable cause panel and was recused.

Ms. Medich represented the Department. The Commission granted the waiver hearing. After discussion Commissioner Fryer moved; seconded by Commissioner Sanchez to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Sanchez; the motion passed without dissent to impose the following sanctions:

Action Taken: Revocation; investigative costs of \$247.50. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC (2013001936 and 2013024548.)

Tab BL – Alejandra Salcedo, SL 3360234; Case No. 2017022142 – Motion for Finding of Waiver and Entry of Final Order

The Respondent was not present. Commissioner Hornsleth served on the probable cause panel and was recused.

Ms. Medich represented the Department. The Commission granted the waiver hearing. After discussion Commissioner Sanchez moved; seconded by Commissioner Fryer to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Sanchez moved; seconded by Commissioner Fryer; the motion passed without dissent to impose the following sanctions:

Action Taken: Revocation; investigative costs of \$181.50. **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)(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 475.42(1)(d), Florida Statutes, by failing to collect any money in connection with any real estate brokerage transaction, whether as a commission, deposit, payment, rental, or otherwise, in the name of the employer and with the express consent of the employer.

Tab BM – Tropical Dream Realty Inc., CQ 1018487; Case No. 2018022788 – Motion for Finding of Waiver and Entry of Final Order

The Respondent was not present. Commissioner Sanchez served on the probable cause panel and was recused.

Ms. Jimenez represented the Department. The Commission granted the waiver hearing. After discussion Commissioner Hornsleth moved; seconded by Commissioner Fryer to find the Respondent guilty as charged in 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:

Action Taken: Revocation; investigative costs of \$354.75. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC (201703015.)

FREC – Petitions

Petition for Variance/Waiver – Scott Sutherland – VW 2019-079

The Petitioner was not present. Division staff provided the Commissioners with a subsequent email received from Mr. Sutherland for their review. After discussion Commissioner Fryer moved; seconded by Commissioner Sanchez to deny the waiver request. The motion passed without dissent.

Executive Director’s Comments

Executive Director Crawford introduced the discussion of possible ways to increase Department savings to FREC and addressed questions and comments from the Commission.

Chair’s Comments

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 2:59 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for June 18 and 19, 2019, in Orlando.

ATTEST:


Patricia Fitzgerald, Chair
Florida Real Estate Commission


Lori Crawford, Executive Director
Florida Real Estate Commission