

Halsey Beshears, Secretary

Ron DeSantis, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
June 18 and 19, 2019
General Meeting**

June 18, 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 18th day of June, 2019.

Commissioners

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

Commissioner Randy Schwartz was excused and not present.

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
Giovanna Corona, Regulatory Consultant
Thomas Jones, Administrative Assistant II
Elisa Schneider, Intern
American Court Reporting, Inc. (407) 896-1813 provided reporting services.

Approval of the Minutes

Commissioner Sanchez moved to approve the minutes of the May 21 and 22, 2019, general meeting as written; Commissioner Fryer seconded; the motion passed without dissent.

Summary of Applicants

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

1. Agenda A, Tab M – Gabrielle Marie Chavez, present; Mr. Daniel Villazon, Esquire, present. Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 3-1 vote.
2. Agenda A, Tab AR – Denise Ziemann, present; Mr. Daniel Villazon, Esquire, present. Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 3-2 vote.

3. Agenda A, Tab AP – Christopher Edward Stout, not present; Mr. Daniel Villazon, Esquire, present. Sales application continued; waived the 90-day requirement.
4. Agenda A, Tab B – Richard Jovel, present; Sales associate application was withdrawn.
5. Agenda A, Tab C – Alaaeldean Abdolrazek, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
6. Agenda A, Tab D – Tyree Alcantara, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
7. Agenda A, Tab G – Paul Blumenhagen, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
8. Agenda A, Tab I – Mikaela Brown, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
9. Agenda A, Tab L – Jonathan Castle, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 3-1 vote.
10. Agenda A, Tab N – Lee Stewart Clark, present; Sales associate application approved; Vice-Chair Ketcham/Commissioner Fryer; unanimous vote.
11. Agenda A, Tab O – Miguel Veremundo Cruz Torregrosa, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
12. Agenda A, Tab T – Blake Grossi, present; Sales associate application was withdrawn.
13. Agenda A, Tab S – Melissa Gaspar, present; Sales associate application approved; Commissioner Hornsleth/Vice-Chair Ketcham; 3-2 vote.
14. Agenda A, Tab X – Matthew Adam Latiff, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Ketcham; unanimous vote.
15. Agenda A, Tab Y – Luz Abigail Maldonado, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 3-1.
16. Agenda A, Tab Z – Louanna Sue Masse, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
17. Agenda A, Tab AB – Brian Keith Nanfito, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
18. Agenda A, Tab AC – Fafane Nestan, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 3-2 vote.
19. Agenda A, Tab AD – Brittney D'Jon Rose Owens, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Ketcham; unanimous vote.
20. Agenda A, Tab AE – Diane Palacio, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; 3-1 vote.
21. Agenda A, Tab AF – David William Pollack, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Ketcham; unanimous vote.
22. Agenda A, Tab AG – Eric Rivera, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Ketcham; 3-2 vote.

23. Agenda A, Tab AH – Giovanni Rivera, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
24. Agenda A, Tab AI – Jean Getro Rosier, present; Sales associate application was withdrawn.
25. Agenda A, Tab AK – Gregory Jay Sibley, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 3-1 vote.
26. Agenda A, Tab AL – Brooks Richard Siegel, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.
27. Agenda A, Tab AM – Gregory Wayne Sims, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Ketcham; 3-1 vote.
28. Agenda A, Tab AO – Samuel James Smith, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
29. Agenda A, Tab U – Kaemal Christopher Hines Smith, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
30. Agenda C, Tab B – Roberto Vazquez, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
31. Agenda C, Tab B – Thomas James Preston, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 3-1 vote.
32. Agenda B, Tab A – Luis D. Alonzo, not present; Sales associate application continued; waived the 90-day requirement.
33. Agenda C, Tab A – William Taylor Mulkey, not present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
34. Agenda A, Tab A – Jerrick Gonzalez, not present; Sales associate application approved; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.
35. Agenda A, Tab E – Tunde Adetutu Babyemi, not present; Sales associate application denied; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.
36. Agenda A, Tab F – Jonathan Kerbi Benoit, not present; Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
37. Agenda A, Tab H – Anthony F. Breitbach, present; Sales associate application continued; waived the 90-day requirement.
38. Agenda A, Tab J – Christopher Calloway, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
39. Agenda A, Tab K – Ami Casper, not present; Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
40. Agenda A, Tab P – Erin Day, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
41. Agenda A, Tab Q – Matthew Dubato, not present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
42. Agenda A, Tab R – Mark Dupoise, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

- 43. Agenda A, Tab V – Sheena Housen, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
- 44. Agenda A, Tab W – Ivan Ianakiev, not present; Sales associate application approved; Vice-Chair Ketcham/Commissioner Fryer; 3-1 vote.
- 45. Agenda A, Tab AA – Micah Mruwat, not present; Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
- 46. Agenda A, Tab AJ – Cassandra Shoemo, not present; Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
- 47. Agenda A, Tab AN – Gurpreet Gordy Singh, not present; Sales associate application continued; waived the 90-day requirement.
- 48. Agenda A, Tab AQ – Neil Tormon, present; Sales associate application was withdrawn.
- 49. Consent Agenda B, Tab G – Diego Gomez, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

Consent Agenda A

The Commission considered 29 applicants from the Consent Agenda A; Commissioner Hornsleth moved; Commissioner Fryer seconded the motion to approve 20 applicants and require 9 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Barrientos, Noel A.	Gusching, Andrew	Prestano, Timothy
Berry, Robert	Haliburton, Adrian	Rivera, Rene J.
Bevacqua, James A.	Jenkins, Sarina M.	Rodriguez, Alexander J.
Crepo, Christopher	Latassa, Anastasia L.	Scherer, Stefan
Farber, Dennis S.	Levy, Aisha K.	Silvers, Jerome L.
Goffe, Crystal R.	McKinnie, Shaina R.	Soto, Fredi De Jesus
Greenzweig, James C.	Mitchell, Sonia E.	Tinker Jr., Michael L.

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

Barrientos, Noel A.	Cooper, Sharin Y.	Perez Castillo, Sergio
Biggins, Jerome R.	Davis, Joshua L.	Smith, Deborah L.
Cartagenova, Marco V.	Moussa, Jared D.	Wills Jr., Michael L.

Consent Agenda B

The Commission considered 27 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Sanchez to approve 18 applicants and require 9 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Avila, Monica	Kuffer, Patricia	Schmitt, Gregory
Coughlin, Thomas	Lim, Salin	Swisher, Kiel
Daly, Mary	Logan, Chad	Tayloe, Bradley
Darden, Damian	Patel, Kinjal	Webb, Sue
Grant Smith, Katrina	Rodriguez, Crystal	Wilds, Jennifer
King, Scott	Roros, Richard	Williams, Jennifer

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

Angelo, David
Gilman, Patrick
Gonzalez, Linet

Kayga, Bryan
Lodyga, Wesley
Lopez, Adiel

Patrizi, Penny
Ray, James
Serdin, Leon

Recess

There being no objection, the Chair recessed the meeting at approximately 1:59 p.m. until 8:30 a.m. tomorrow.

June 19, 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, 19th day of June, 2019.

Commissioners

Chair 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 a quorum present.

Staff

Amrita Singh, Deputy Director
Lori Crawford, Executive Director
Al Cheneler, Chief Attorney
James Fortunas, Deputy Chief 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
Elisa Schneider, Intern
Thomas Jones, Administrative Assistant II
American Court Reporting, Inc. (407) 896-1813 provided court services.

Escrow Disbursement Orders – Agenda

Mr. Cheneler presented 8 Escrow Disbursement Orders.

Commissioner Fryer moved to approve Tabs C, E, G of the Escrow Disbursement Orders, seconded by Commissioner Schwartz; the motion passed unanimously without dissent.

Commissioner Hornsleth moved to approve Tab H of the Escrow Disbursement Order as an Interpleader, seconded by Commissioner Fryer; the motion passed unanimously without dissent.

Commissioner Fryer moved to approve Tabs A, D, F of the Escrow Disbursement Orders, seconded by Commissioner Hornsleth; the motion passed unanimously without dissent. Commissioner Sanchez was recused.

Commissioner Hornsleth moved to approve Tab B Escrow Disbursement Orders, seconded by Commissioner Schwartz; the motion passed unanimously without dissent. Chairperson Fitzgerald was recused.

Legal Appearance Docket

The Commission addressed the Legal Appearance Docket, hearing 28 docket items with the following results:

Tab K – 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. Commissioner Schwartz moved; seconded by Commissioner Hornsleth; the motion passed 3-1 to impose the following sanctions:

Action Taken: Administrative fine of \$250.00; investigative costs of \$445.50. **Violation(s):** Section 475.25(1)(p), Florida Statutes, by failing to inform the FREC in writing within 30 days after entering a plea, or being convicted or found guilty of a felony; 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 M – Aquila Mitchell, SL 3375397, Case No. 2017034695 – Respondent’s Request for Informal Hearing

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

Mr. Fortunas 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 Schwartz; the motion passed 3-1 to impose the following sanctions:

Action Taken: Suspension for 5 years; investigative costs of \$1,211.10. **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 J – Jose Alejandro Laricchia, SL 3132542, Case No. 2018007066 – Respondent’s Request for Informal Hearing

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

Ms. Medich represented the Department. After discussion Commissioner Hornsleth moved; seconded by Commissioner Schwartz 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 3-1 to impose the following sanctions:

Action Taken: Administrative fine of \$1,000.00; investigative costs of \$311.85. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC.

Tab F – Liam Cushing, SL 3252741, Case No. 2018006695 – 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.

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

Action Taken: Administrative fine of \$250; investigative costs of \$85.50. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC.

Tab H – James Earl Jurich, SL 664080, Case No. 2018013134 – 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 Schwartz moved; seconded by Commissioner Sanchez to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Schwartz moved; seconded by Commissioner Sanchez; the motion passed without dissent to impose the following sanctions:

Action Taken: Investigative costs of \$396.00. **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 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 N – Kevin 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. Commissioner Sanchez moved; seconded by Vice-Chair Ketcham; the motion passed without dissent to impose the following sanctions:

Action Taken: Investigative costs of \$569.25. **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)(s), Florida Statutes, by having had a registration suspended, revoked, or otherwise acted against in any jurisdiction.

Tab A – Marieta M. Acosta, BK 3040424, Case No. 2018022660 – 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. Aring represented the Department. After discussion Commissioner Schwartz moved; seconded by Commissioner Sanchez to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Schwartz moved; seconded by Commissioner Sanchez; the motion passed without dissent to impose the following sanctions:

Action Taken: Revocation; administrative fine of \$3,500.00; investigative costs of \$239.25.

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.

Tab B – Roman Bokeria, BK 3240092, Case No. 2018051924 – Respondent’s Request for Informal Hearing

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

Mr. Fortunas 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: Revocation; investigative costs of \$222.75. **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 475.25(1)(e), Florida Statutes, through a violation of Rule 61J2-14.012, Florida Administrative Code, by failing to maintain monthly reconciliation statements.

Tab C – Brent Chamberlain, BK 3120564, Case No. 2018009833 – Motion for Finding of Waiver and Entry of Final Order

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

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

Action Taken: Revocation; administrative fine of \$2,500.00; investigative costs of \$198.00.

Violation(s): Section 475.42(1)(a), Florida Statutes, by engaging in the practice of real estate by operating as a property manager for a fee, as if a broker, without being the holder of a valid and current active license.

Tab D – Joseph Carlos Chiu, SL 637746, Case No. 2017032584 – 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. Manry represented the Department. After discussion Commissioner Sanchez moved; seconded by Commissioner Schwartz 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 \$3,000.00; investigative costs of \$255.75.

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)(n), Florida Statutes, by being confined in jail, prison or mental institution, or through mental disease can no longer practice with skill and safety; Section 475.25(1)(p), Florida Statutes, by failing to inform the FREC in writing within 30 days after entering a plea, or being convicted or found guilty of a felony.

Tab E – Henry Cruz, SL 3299057, Case No. 2018014292 – 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. Aring represented the Department. After discussion Commissioner Sanchez moved; seconded by Commissioner Schwartz to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice-Chair Ketcham moved; seconded by Commissioner Schwartz; the motion passed without dissent to impose the following sanctions:

Action Taken: Administrative fine of \$250.00; investigative costs of \$313.50; probation for 6 months; 2 complete FREC meetings. **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 Commission 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 G – Hoppy Elvis Duroseau, SL 3264110, Case No. 2018005918 – Motion for Finding of Waiver and Entry of Final Order

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

Ms. Medich represented the Department. The Commission granted the waiver hearing. 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 Schwartz; the motion passed without dissent to impose the following sanctions:

Action Taken: Administrative fine of \$1,000.00; investigative costs of \$153.45; probation for 6 months; 2 complete FREC meetings. **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 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; 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 I – Teofil Neal Kapp, SL 629826, Case No. 2017060167 – 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. Medich 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 Fryer moved; seconded by Vice-Chair Ketcham; the motion passed 3-1 to impose the following sanctions:

Action Taken: Investigative costs of \$148.50; probation for 12 months; 3 complete FREC meetings. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC.

Tab L – Miami Red Box Realty, CQ 1046090, Case No. 2018058569 – Respondent’s Request for Informal Hearing

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

Mr. Fortunas 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: Revocation; investigative costs of \$808.50. **Violation(s):** 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 Rule 61J2-14.012, Florida Administrative Code, by failing to maintain monthly reconciliation statements.

Tab O – Billy Joe Oglesby, Jr., SL 3227511, Case No. 2018030424 – Motion for Finding of Waiver and Entry of Final Order

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

Action Taken: Revocation; investigative costs of \$290.40. **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 P – Diana Omari, BK 3301995, Case No. 2018052269 – 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 Vice-Chair Ketcham; the motion passed without dissent to impose the following sanctions:

Action Taken: Administrative fine of \$500.00; investigative costs of \$349.80. **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 FREC 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;

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

Tab R-V – Joseph Bernard Charde; BK 3245399; Case Nos. 2019004528, 2019006814, 2019007853, 2019008848 and 2019011991

Tab W – Alan Proano; SL 3393429; Case No. 2018016068

Tab X – Ciara Elizabeth Seng; SL 3252566; Case No. 2018006370

Tab Y – Rocío Paola Bustelo, SL 3179249, Case Nos. 2018014091 – 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. Aring 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 \$390.06. **Violation(s):** Section 475.25(1)(a), Florida Statutes, through a violation of Section 475.42(1)(b), Florida Statutes, a person licensed as a sales associate may not act as a broker or a sales associate for any person not registered as his employer; Section 475.25(1)(a), Florida Statutes, through a violation of 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)(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 Z – Shellie Kathleen Johnson, BK 3154590; Case No. 2017057947 – 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.

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

Action Taken: Revocation; administrative fine of \$3,000.00; investigative costs of \$404.25.

Violation(s): 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 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 AA – Legion Realty Group, LLC, CQ 1054626; Case No. 2018005891 – 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.

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

Action Taken: Revocation; administrative fine of \$3,000.00; investigative costs \$181.50. **Violation(s):** 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 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 AB – Maurice Martinez, BK 3321520; Case No. 2018017919 – Motion for Finding of Waiver and Entry of Final Order

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

Mr. Aring represented the Department. The Commission granted the waiver hearing. 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 Commissioner Hornsleth; the motion passed without dissent to impose the following sanctions:

Action Taken: Administrative fine of \$1,000.00; investigative costs of \$272.25; probation for 6 months; 2 complete FREC meetings. **Violation(s):** Section 475.25(1)(a), 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 AC – Laquan Mitchell, SL 3351275; Case No. 2017053359 – 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.

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

Action Taken: Revocation; investigative costs of \$306.90. **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.

Review and Consideration of the Real Estate Education Courses

Ms. Pomales presented 14 Real Estate Education Courses for the Commission's review and consideration.

Tab L – *Know what you are selling: Impact of flood zone requirements* – New Course (2 hour specialty, classroom) – application number 35144 – Professional Training & Consultants Inc.

The applicant was present in support of the application. Commissioner Fryer moved to deny the course; Commissioner Sanchez seconded the motion. The motion passed 4-0; Commissioner Hornsleth abstained from the vote.

Tab A – *I've got commitment issues: understanding and issue spotting a title commitment...and other real estate closing questions* – New Course (2 hours specialty and post licensing, classroom) – application number 36504 – Alliant National Title Insurance Co.

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

Tab B – Cyber Fraud Cyber Theft: Protective the Real Estate Transaction – New Course (2 hours combination specialty and post licensing, classroom) – application number 36530 – Alliant National Title Insurance Co.

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

Tab C – Death and Divorce: Issue Spotting in Real Estate Transactions – New Course (2 hour specialty and post licensing, classroom) – application number 36531 – Alliant National Title Insurance Co.

The applicant was not 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 D – Taxes and Real Estate: What You Need to Know – New Course (3 hour specialty, distance) – application number 36541 – CE Shop Inc.

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 E – Sex & Real Estate: Sexual Harassment, Discrimination, & Fair Housing – New Course (3 hour specialty, distance) – application number 36542 – CE Shop Inc.

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 – Assistance Animals and Fair Housing – New Course (4 hours specialty, distance) – application number 36543 – CE Shop Inc.

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 G – Affordable Housing: Solutions for Homes and Financing – New Course (3 hour specialty, distance) – application number 36544 – CE Shop Inc.

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 H – Anatomy of a Commercial Real Estate Deal – New Course (3 hour specialty, classroom) – application number 36645 – Commercial Investment Real Estate Academy LLC

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 I – MLS Campus – Florida 14 Hour Real Estate CE – New Course (14 hours combination law, specialty and business ethics, distance) – application number 36333 – MLS Campus Inc.

The application was continued and the 90-day requirement was waived.

Tab J – Sales Associate Pre-Licensure – New Course (63 hour pre-licensure, distance) – application number 36377 – Own Academy of Real Estate Inc.

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

Tab K – Sales Associate Pre-Licensure – New Course (63 hour pre-licensure, classroom) – application number 36378 – Own Academy of Real Estate Inc.

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 M – Senior Real Estate Specialist – New Course (13 hour specialty, classroom) – application number 36646 – RE MAX LLC

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 N – Contract to Closing – New Course (2 hour specialty, classroom) – application number 36609 – Westcor Land Title Insurance Company

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.

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
Financial 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.

Rule 61J2-1.011 License Fees and Examination Fees

After discussion, Commissioner Fryer moved; seconded by Commissioner Sanchez to approve Rule 61J2-1.011 Notice of Change; the motion passed without dissent.

After discussion, Commissioner Fryer moved; seconded by Commissioner Sanchez to approve Rule 61J2-1.011 Language for new Rule Development; the motion passed without dissent.

Special Agenda

2020 Probable Cause and General Meeting Calendar

After discussion, Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the 2020 Probable Cause and General Meeting Calendar.

Broker Syllabus Update Final Approval

The Broker Syllabus is continued to the July Special Agenda.

Executive Director's Comments

Executive Director Crawford addressed questions and comments from the Commission.

Chair's Comments

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

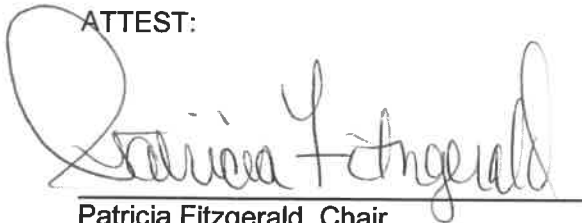
Public Comments

The Commission received comments from members of the audience.

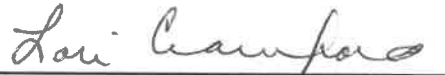
Adjournment

There being no other business, the Chair adjourned the meeting at approximately 1:05 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for July 16 and 17, 2019, in Orlando.

ATTEST:



Patricia Fitzgerald, Chair
Florida Real Estate Commission



Lori Crawford, Executive Director
Florida Real Estate Commission