

Halsey Beshears, Secretary

Ron DeSantis, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
August 20 and 21, 2019
General Meeting**

August 20, 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 20th day of August, 2019.

Commissioners

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

Commissioner Hornsleth 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
Tom Thomas, Deputy General Counsel
Merribeth Bohanan, Deputy Chief Attorney
Janice Lugo, Operations Support Supervisor
Megan McAvoy, Regulatory Consultant
Giovanna Corona, Regulatory Consultant
Thomas Jones, Administrative Assistant II
Taylor Bailey, Administrative Assistant II
Kiani Walker, Administrative Assistant
Magnolia Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Commissioner Schwartz moved to approve the minutes of the July 16 and 17, 2019, general meeting as written; Commissioner Sanchez seconded; the motion passed without dissent.

Summary of Applicants

Regulatory Consultant Giovanna Corona presented 81 Summary of Applicants Agendas A, B and C requesting to sit for the real estate examination.

1. Agenda B, Tab Y – Rinna Sanchez, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Ketcham; 3-2 vote.
2. Agenda A, Tab H – Richard Brightman, present; Mr. Matthew Wolf, Esquire, not present. Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

3. Agenda A, Tab AK – Michael Sexton, present; Mr. Mark Levine, Esquire, present. Sales application approved; Commissioner Fryer/Vice-Chair Ketcham; unanimous vote.
4. Agenda A, Tab B – Jason Ferguson, present; Mr. Daniel Villazon, Esquire, present. Sales associate application was approved; Commissioner Schwartz/Commissioner Fryer; 4-1 vote.
5. Agenda A, Tab G – Kelly Boyle, present; Mr. Daniel Villazon, Esquire, present. Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
6. Agenda A, Tab AM – Ronald Sommer, present; Mr. Daniel Villazon, Esquire, present. Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
7. Agenda A, Tab AN – Christopher Stout, not present; Mr. Daniel Villazon, Esquire, present. Sales associate application continued; waived the 90-day requirement.
8. Agenda B, Tab I – Liliana Collison, present; Mr. Daniel Villazon, Esquire, present. Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
9. Agenda B, Tab Z – Anthony Santangelo, present; Mr. Daniel Villazon, Esquire, present. Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
10. Agenda B, Tab AA – Renee McBride, not present; Mr. Daniel Villazon, Esquire, present. Sales associate application continued; waived the 90-day requirement.
11. Agenda C, Tab A – James Foglesong, present; Sales associate application was withdrawn.
12. Agenda A, Tab D – Neil Allen, present; Sales associate application denied; Commissioner Schwartz/Commissioner Sanchez; 4-1 vote.
13. Agenda A, Tab E – Emmanuel Arcia, present; Sales associate application was withdrawn.
14. Agenda A, Tab F – Adeyemo Ashimi, present; Sales associate application was continued.
15. Agenda A, Tab J – Bradley Byrd, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
16. Agenda A, Tab K – Andrew Carter, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
17. Agenda A, Tab L – Benny Chastain, present; Sales associate application approved; Vice-Chair Ketcham/Commissioner Sanchez; 4-1 vote.
18. Agenda A, Tab M – Timothy Cloud, present; Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
19. Agenda A, Tab O – Maureen Donovan, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
20. Agenda A, Tab P – Lauren Eldaher, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
21. Agenda A, Tab Q – Hassan Faraj, present; Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; 4-1 vote.
22. Agenda A, Tab R – Mark Foley, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
23. Agenda A, Tab T – Frank Gough, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

24. Agenda A, Tab U – Robert Grabowski, present; Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz; 4-1 vote.
25. Agenda A, Tab V – Koko Head, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
26. Agenda A, Tab W – Mark Kagan, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
27. Agenda A, Tab X – Bryan Kayga, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
28. Agenda A, Tab Y – Davida Leonard, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
29. Agenda A, Tab AB – Joady Mendez, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
30. Agenda A, Tab AC – Maydeline Morales, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
31. Agenda A, Tab AD – Katherine O'Neil, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
32. Agenda A, Tab AE – Dennis Perkins, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
33. Agenda A, Tab AG – Lisa Reo, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
34. Agenda A, Tab AH – Thomas Roy, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
35. Agenda A, Tab AJ – Robert Sanders, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
36. Agenda A, Tab AO – Isliana Veloz, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Ketcham; unanimous vote.
37. Agenda A, Tab AR – Lesley Williams, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
38. Agenda A, Tab AS – Jelene Wilson, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Ketcham; unanimous vote.
39. Agenda B, Tab H – Christian Charles, present; Sales associate application approved; Vice-Chair Ketcham/Commissioner Fryer; 4-1 vote.
40. Agenda B, Tab AF – Jennifer Vario, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
41. Agenda B, Tab G – Michael Briggs, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
42. Agenda B, Tab B – Sherry Avery Andrade, present; Sales associate application approved; Commissioner Fryer/ Vice-Chair Ketcham; 3-2 vote.
43. Agenda B, Tab C – Jose Basilio, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

44. Agenda B, Tab D – Tyler Bengyel, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
45. Agenda B, Tab E – Joshua Bowen, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
46. Agenda B, Tab F – Anthony Breitbach, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
47. Agenda B, Tab J – Tracey Delargy, present; Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz; unanimous vote.
48. Agenda B, Tab K – Linda Exume, present; Sales associate application was withdrawn.
49. Agenda B, Tab L – Robert Fioretti, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; 4-1 vote.
50. Agenda B, Tab M – Anitra Frederick, present; Sales associate application was continued.
51. Agenda B, Tab O – Julio Hanono, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
52. Agenda B, Tab P – Courtney Lee Knepp, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
53. Agenda B, Tab S – David Mcentire, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
54. Agenda B, Tab U – Federico Medina Joga, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
55. Agenda B, Tab V – Kathryn Myricks, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
56. Agenda B, Tab W – Carl Ostic, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
57. Agenda B, Tab X – Evody Routier, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
58. Agenda B, Tab AC – Latonya Swift, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Ketcham; unanimous vote.
59. Agenda B, Tab AD – Joshua Tompkins, present; Sales associate application approved; Vice-Chair Ketcham/Commissioner Fryer; unanimous vote.
60. Agenda B, Tab AG – Michael Williams, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
61. Agenda B, Tab AH – Susan Williams, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
62. Agenda B, Tab AI – Kiera Wynn, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
63. Agenda B, Tab Q – Kellee Lang, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

64. Agenda B, Tab A – Vania Alvarez, not present; Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
65. Agenda B, Tab N – Varinia Godoy, not present; Sales associate application continued; waived the 90-day requirement.
66. Agenda B, Tab R – Henry Mata, not present; Sales associate application continued; waived the 90-day requirement.
67. Agenda B, Tab T – Jamie McKie, not present; Sales associate application continued; waived the 90-day requirement.
68. Agenda B, Tab AA – Jihan Shogen, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
69. Agenda B, Tab AB – Lamesha Stanley, not present; Sales associate application continued; waived the 90-day requirement.
70. Agenda B, Tab AE – Stacy Tuescher, not present; Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; 4-1 vote.
71. Agenda A, Tab A – Christopher Calloway, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
72. Agenda A, Tab C – Maria Makozy, not present; Sales associate application continued; waived the 90-day requirement.
73. Agenda A, Tab I – Steven Broadway, not present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
74. Agenda A, Tab N – Joshua Davis, not present; Sales associate application was withdrawn.
75. Agenda A, Tab S – Fernando Garcia, not present; Sales associate application continued; waived the 90-day requirement.
76. Agenda A, Tab Z – Shane Maneri, not present; Sales associate application continued; waived the 90-day requirement.
77. Agenda A, Tab AF – Roshemia Peterson, not present; Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.
78. Agenda A, Tab AI – Nina Sanders, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.
79. Agenda A, Tab AL – Gurpreet Singh, not present; Sales associate application approved.
80. Agenda A, Tab AP – Amanda Walters Bowling, not present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
81. Agenda A, Tab AQ – Michael Wester, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

Special Agenda

Discussion Relating to Closing Authority – Tom Thomas, Deputy General Counsel, presented the Commission with a proposal regarding Closing Authority of Administrative Complaints. The Commission requested additional information and continued discussion to a future date.

Consent Agenda A

The Commission considered 57 applicants from the Consent Agenda A; Commissioner Fryer moved; Commissioner Schwartz seconded the motion to approve 43 applicants and require 14 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Acker, Paige	Gomez, Coraima	Mitchell, Jennifer
Alvarez, Emilio	Gonzalez, Alicia	Morgan, Ashley
Bandlow, Jennifer	Gonzalez, Brian	Moring, Stacie
Barnes, Wayne	Guerrero, Katina	Murray, Blake
Baum, Kimberly	Gutierrez, William	Navarro Silva, Michael
Bell, Tiona	Holmes, Vanessa	Powell, Memlet
Budig, Marcus	Howell, James IV	Rhodes, Fontelle
Casano, David	Hunt, Clayton	Smith, Lee
Collins, Paul	Joseph, Benji	Vega, Ivan
Contros, Kashla	Kesterson, Kristy	Vincent, Daniel
D'angelo, Robert	Loubriel, Christian Sr.	Vogt, Wendy
Dickman, Kirsten	Mann, Terri	White, Seidy
Durrance, Robin	McAdams, Michael	Woods, Jeff Jr.
Fields, Carrie	Mendoza Gardner, Sharon	
Gallaway, Randi	Miller, Tyler	

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

Calogero, Michael	Haskins, Brandy	Mann, Terri
Conrad, Andrew	Jones, Ashleigh	Miller, Tyler
Cruz, Jeremy	Joseph, Benji	Olson, Sabriana
Fernandez, Raul	Kesterson, Kristy	Ortega, Kevin
Garcia, Saul	Loubriel, Christian	

Consent Agenda B

The Commission considered 23 applicants from the Consent Agenda B; Commissioner Fryer moved; seconded by Commissioner Schwartz to approve 16 applicants and require 7 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Arbaiza, Queiriz	Lowe, Kenneth II	Rodriguez, Walter
Bryant, Gerard	Meehan, John	Ross, Mary
Clerveau, Mita	Nelson, Andre	Thompson, William
Cuellar, Alejandro	Padilla, Angela	Williams, Marlene
Dix, Ralph	Parker, Patrick	
Loumakis, Constantinos	Powers, Andrew	

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

Davis, Carol	Rallo, Brandon	Zertuche, Debbie
Geneus, Eliezer	Touhey, Kevin	
Price, Kevin	Wentworth, Justin	

Public Comments

The Commission offered but did not receive any comments.

Recess

There being no objection, the Chair recessed the meeting at approximately 4:07 p.m. until 8:30 a.m. tomorrow.

August 21, 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, 21st day of August, 2019.

Commissioners

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

Commissioner Hornsleth 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

Katy McGinnis, Director
Amrita Singh, Deputy Director
Lori Crawford, Executive Director
Merribeth Bohanan, Deputy Chief Attorney
James Fortunas, Deputy Chief Attorney (via video conference)
David Aring, Senior Attorney (via video conference)
Roger Maas, Senior Attorney (via video conference)
Mackenzie Medich, Senior Attorney (via video conference)
Nadia Hamade, Legal Intern (via video conference)
Alexa Elder, Legal Intern (via video conference)
Jocelyn Pomales, Education Coordinator
Giuvanna Corona, Regulatory Consultant
Thomas Jones, Administrative Assistant II
Taylor Bailey, Administrative Assistant II
Magnolia Court Reporting, Inc. (407) 896-1813 provided court services.

Review and Consideration of the Real Estate Education Courses

Ms. Pomales presented 6 Real Estate Education Courses for the Commission's review and consideration.

Tab D – Ramp Up – New Course (10 hour specialty, distance) – application number 37090 – Domino 2 Technologies LLC dba The Agent School

The applicant, Chad Peavy, was present in support of the application. Commissioner Fryer moved to deny the course; Commissioner Schwartz seconded the motion. The motion passed without dissent.

Tab A – Tax & Asset Protection – New Course (14 hours combination law, specialty and post licensing, classroom) – application number 36990 – Anderson Business Advisors, 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 B – FARBAR Contract and Philosophy of Real Estate – New Course (2 hours business ethics, classroom) – application number 36933 – Cohen Gregory Ryan Esq.

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 C – Collaborative Real Estate Professional Certification – New Course (4 hours specialty, classroom) – application number 37098 – Conflict Resolution Counseling

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 – Managing Online Transactions (Demonstrated Dotloop) – New Course (3 hour specialty, distance) – application number 37025 – McKissock LP

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

Tab F – Keep It Legal & Keep Your Commissions (Correspondence) – New Course (2 hours specialty, correspondence) – application number 36899 – Realtors of the Palm Beaches and Greater Fort Lauderdale

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.

Escrow Disbursement Orders – Agenda

Ms. Nadia Hamade, legal intern, presented 12 Escrow Disbursement Orders.

Commissioner Fryer moved to approve Tabs A, B, C, E, F, H, I, and K of the Escrow Disbursement Orders, seconded by Commissioner Sanchez; the motion passed without dissent.

Commissioner Fryer moved to approve Tab D, G and L of the Escrow Disbursement Order, seconded by Commissioner Schwartz; the motion passed without dissent. Commissioner Sanchez was recused.

Commissioner Fryer moved to approve Tab J of the Escrow Disbursement Orders, seconded by Commissioner Sanchez; the motion passed without dissent. Chair Fitzgerald was recused.

Legal Appearance Docket

The Commission addressed the Legal Appearance Docket, hearing 40 docket items with the following results:

(38) Tab A – Christopher Leonard, SL 3284404, Case No. 2018-045088 – Respondent's Request for Informal Hearing

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

Case was continued.

(9) Tab B – Eddie Cruz, BL 3042400, Case No. 2018027624 – Respondent's Request for Informal Hearing

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

Ms. Medich 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 Vice-Chair Ketcham; the motion passed with a 4-1 to impose the following sanctions:

Action Taken: Suspension for 5 years; investigative costs of \$848.20. **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; 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.

(10) Tab C – Richard Eimens, BK 623011, Case No. 2018049965 – Respondent's Request for Informal Hearing

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

Ms. Bohanan represented the Department. After discussion Commissioner Schwartz moved to dismiss the Administrative Complaint; seconded by Commissioner Fryer; the motion passed without dissent.

Action Taken – Case dismissed.

(1) Tab D – Jason Robert Levins, SL 3329503, Case No. 2018048411 – Respondent's Request for Informal Hearing

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

Ms. Medich 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: Administrative fine of \$500.00; investigative costs of \$421.50; probation for 6 months; 1 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.

(5) Tab E – Sasha Esther McKown, SL 3354097, Case No. 2018059908 – 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. Aring represented the Department. After discussion Commissioner Fryer moved; seconded by Commissioner Schwartz 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: Administrative fine of \$500.00; investigative costs of \$247.50; probation for 6 months; 1 complete FREC meeting. **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.

(11) Tab F – Milliard Realty Group, LLC, CQ 1040770, Case No. 2018026647 – 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; investigative costs of \$191.40. **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.

(12) Tab G – Aquila Mitchell, SL 3375397, Case No. 2018001419 – 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.

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

Action Taken: Revocation; investigative costs of \$808.50. **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.

(6) Tab H – Tamika Moses, BK 3250522, Case No. 2018057999 – 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. Aring represented the Department. After discussion Commissioner Fryer moved; seconded by Commissioner Schwartz 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 \$250.00; investigative costs of \$224.80. **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.

(39) Tab I – James Moynihan, BK 462890, Case No. 2017-023281– Respondent’s Request for Informal Hearing

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

Case was continued.

(40) Tab J – Marguerite Ogilvie, SL 6615591, Case No. 2019-017358 – Respondent’s Request for Informal Hearing

The Respondent was not present and not represented by counsel. Probable case was waived.

Case was continued.

(13) Tab K – William Rocco Petuccelli, BK 599930, Case No. 2018047484 – Respondent’s Request for Informal Hearing

The Respondent was not present and not represented by counsel. Probable cause was waived.

Mr. Aring represented the Department. After discussion Vice-Chair Ketcham moved; seconded by Commissioner Sanchez 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: Investigative costs of \$181.50; 28-hour reactivation course; probation for 6 months; 1 complete FREC meeting. **Violation(s):** 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; 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.

(7) Tab L – Yeida Liz Sanchez Rosario, SL 3367789, Case No. 2018058280 – Respondent’s Request for Informal Hearing

The Respondent was present and not represented by counsel. Probable cause was waived.

Ms. Rogers 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 without dissent to impose the following sanctions:

Action Taken: Revocation; investigative costs of \$280.50. **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 475.42(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.

(8) Tab M – Lora Ann Todd, SL 3389984, Case No. 2018045921 – Respondent’s Request for Informal Hearing

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

Ms. Medich 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: Administrative fine of \$250.00; investigative costs of \$239.25. **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.

(3) Tab N – Rightstreet Inc., CQ 1050503, Case No. 2018-025346 – Settlement Stipulation

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

Case was continued to September 2019.

(4) Tab O – Matthew Benjamin Rosenbaum, BK 3197596, Case No. 2018019497 – Settlement Stipulation

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

Case was continued to September 2019.

(2) Tab P – Adrianna Salmon, SL 3012760, Case No. 2017058736 – Settlement Stipulation

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

Ms. Bohanan represented the Department. After discussion Commissioner Fryer moved to accept the Settlement agreement; seconded by Commissioner Schwartz (Count 1 of the Administrative Complaint was dismissed.) The motion passed with a 4-1 vote.

Action Taken: Administrative fine of \$200.00; investigative costs of \$200.00. **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.

(14) Tab Q – Michael Vizcaino, SL 3404629, Case No. 2018013037 – Settlement Stipulation

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

Case was continued to October 2019.

By consent, Commissioner # moved; seconded by Commissioner Fryer; to accept the 6 Relinquishments of Licenses for Permanent Revocation for the following cases:

(15) Tab R – Kellie S. Griffith; SL 3035224; Case No. 2019009245

(16-17) Tab S-T – William E. McInnis; BK 158770; Case Nos. 2019010164 and 2019018265

(18) Tab U – Robert L. Valledor; BK 143772; Case No. 2018052829

(19-20) Tab V-W – West Florida Realty, LLC; CQ 1040396; Case Nos. 2019018267 and 2019019790

(21-27) Tab X-AD – Aqua Realty Group of Lee County LLC, CQ 1048039, Case Nos. 2018032432, 2018043709, 2018044873, 2018045152, 2018045154, 2018046110, and 2018046198 – Motion for Waiver of Rights 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.

Mr. Aring 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; total investigative costs of \$3,547.50 (Tab X - \$0.00, Tab Y - \$0.00, Tab Z - \$0.00, Tab AA - \$1,014.75, Tab AB - \$627.00, Tab AC - \$ 858.00, Tab AD - \$1,047.75) . **Violation(s):** Per listed case, respondent violated 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.

(28) Tab AE – Justin Bernard Davis, BK 3201619; Case No. 2018027335 – Motion for Finding of Waiver and Entry of Final Order

The Respondent was not present and not represented by counsel. Vice-Chair Ketcham 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; administrative fine of \$1,500.00; investigative costs of \$297.00. **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.

(29) Tab AF – Easy Buy and Sale Realty, Inc., CQ 1048445; Case No. 2018015616 – 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. Bohanan 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 Vice-Chair Ketcham the motion passed without dissent to impose the following sanctions:

Action Taken: Revocation; investigative costs of \$104.25. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by being guilty of dishonest dealings, culpable negligence or breach of trust, or has formed an intent, design or scheme to engage in any such misconduct and committed an overt act in furtherance of such intent, design or scheme; Section 475.25(1)(d)1, Florida Statutes, by failing to account or deliver to any person, including a license under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon a demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check, draft, abstract title, mortgage, conveyances, lease or other document or things of value; Section 455.275 (1), Florida

Statutes, by failing to notify the department in writing of change of mailing address, e-mail address, and place of practice.

(30-36) Tab AG-AM – Marie Ann Marro, BK 3127851; Case Nos. 2018043551, 2018028263, 2018042637, 2018043910, 2018043934, 2018044438, 2018044828 – 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.

Mr. Aring 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; total investigative costs of \$4,644.75 (Tab AG - \$0.00, Tab AH - \$0.00, Tab AI - \$1,122.00, Tab AJ - \$1,155.00, Tab AK - \$1,155.00, Tab AL - \$1,212.75, Tab AM - \$0.00.)

Violation(s): Per listed case, respondent violated 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.

(37) Tab AN – Osmani Miranda, SL 3248339; Case No. 2018045352 – 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.

Mr. Aring 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 Vice-Chair Ketcham; 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 475.42(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.

DOAH Recommended Orders - Applicant

Earron Shields vs. Florida Real Estate Commission; DOAH Case No. 19-0231 – Recommended Order of Denial

FREC Counsel Lawrence Harris, Esq., presented the Recommended Order of Denial. The Respondent was present and represented by counsel, Mr. Alejandro Marriaga, Esq. Mr. Marriaga motioned to set aside the Recommended Order of Denial and allow the applicant to withdraw the application. Commissioner Fryer moved to deny the request to set aside the Recommended Order; seconded by Commissioner Schwartz; motion passed without dissent. Commissioner Schwartz moved to reject Paragraph 29 of the exceptions; seconded by Commissioner Fryer; the motion passed without dissent. Commissioner Fryer moved to reject Paragraph 30 of the exceptions; seconded by Commissioner Sanchez; the motion passed without dissent. After discussion, Commissioner Fryer moved to adopt the

Recommended Order of Denial; seconded by Commissioner Sanchez; 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

Executive Director Crawford 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.

Special Agenda

Lesley Curry - Application for Broker's License with Out of State Experience – United Kingdom – Application # 5399543

The applicant, Lesley Curry, was present and not represented by counsel. After discussion, Commissioner Fryer moved to approve the application for Broker's License with Out of State Experience; seconded by Commissioner Schwartz; motion passed without dissent.

61J2 Rule Review for Annual Regulatory Plan – Chapter 61J2

61J2 Rule Review for Annual Regulatory Plan was discussed. Commission was advised to identify rules for review, in addition to application and discipline rules, for the upcoming year by September 2019. Commissioner Fryer moved to give the Chair authority to sign the Annual Regulatory Plan on behalf of the Commission; seconded by Commissioner Sanchez; the motion passed without dissent.

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.

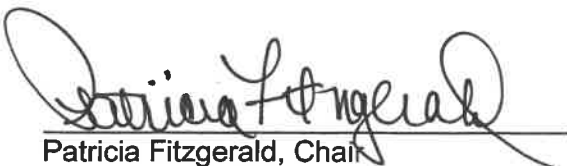
Public Comments

The Commission received comments from members of the audience.

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 12:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for September 17 and 18, 2019, in Orlando.

ATTEST:



Patricia Fitzgerald, Chair
Florida Real Estate Commission



Lori Crawford, Executive Director
Florida Real Estate Commission