

Halsey Beshears, Secretary

Ron DeSantis, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
September 17 and 18, 2019
General Meeting**

September 17, 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 17th day of September, 2019.

Commissioners

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

Commissioner Sanchez was excused and not present.

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

Staff

Lori Crawford, Executive Director
Janice Lugo, Operations Support Supervisor
Megan McAvoy, Regulatory Consultant
Giuanna Corona, Regulatory Consultant
Parker Thornton, Operations Analyst II
Thomas Jones, Administrative Assistant II
Magnolia Court Reporting, Inc. (407) 896-1813 provided court services.

Summary of Applicants

Regulatory Consultant Giuanna Corona presented 66 Summary of Applicants Agendas A and B requesting to sit for the real estate examination.

1. Agenda B, Tab F – Katherine Alfaro, present; interpreter present; Sales associate application denied; Commissioner Fryer/Vice-Chair Ketcham; 4-1 vote.
2. Agenda A, Tab AH – Henry Mata, present; Mr. John Samaan, Esquire, present. Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
3. Agenda A, Tab B – Timothy Cloud, present; Mr. Daniel Villazon, Esquire, present. Sales application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
4. Agenda A, Tab C – Jassan Faraj, present; Mr. Daniel Villazon, Esquire, present. Sales associate application was approved; Vice-Chair Ketcham/Commissioner Schwartz; 4-1 vote.
5. Agenda A, Tab J – Michael Calogero, present; Mr. Daniel Villazon, Esquire, present. Sales associate application approved; Commissioner Schwartz/Commissioner Hornsleth; unanimous vote.

6. Agenda A, Tab AI – Renee McBride, present; Mr. Daniel Villazon, Esquire, present. Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
7. Agenda A, Tab AK – Carlos Morera, present; Mr. Daniel Villazon, Esquire, present. Sales application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
8. Agenda A, Tab AS – John Smith Jr., present; Mr. Daniel Villazon, Esquire, present. Sales associate application approved; Commissioner Schwartz/Commissioner Hornsleth; unanimous vote.
9. Agenda A, Tab AT – Christopher Stout, not present; Mr. Daniel Villazon, Esquire, present. Sales associate application continued; waived the 90-day requirement.
10. Agenda B, Tab E – Patrick Dougherty, present; Mr. Daniel Villazon, Esquire, present. Sales associate application was approved; Vice-Chair Ketcham/Commissioner Fryer; unanimous vote.
11. Agenda A, Tab AA – Benji Joseph, present; Mr. Daniel Villazon, Esquire, present. Sales associate application was approved; Vice-Chair Ketcham/Commissioner Schwartz; unanimous vote.
12. Agenda A, Tab D – Roshemia Peterson, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
13. Agenda A, Tab E – Cassandra Shoemo, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
14. Agenda A, Tab H – Andrew Assad, present; Sales associate application was withdrawn.
15. Agenda A, Tab M – Carol Denise Davis, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
16. Agenda A, Tab N – Tiffany Encarnacion, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
17. Agenda A, Tab O – Michael Felizianetti, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
18. Agenda A, Tab P – Raul Fernandez, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
19. Agenda A, Tab Q – Camisha Fidler, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
20. Agenda A, Tab R – Richard Todd Ford, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Ketcham; unanimous vote.
21. Agenda A, Tab S – Saul Garcia, present; Sales associate application approved; Vice-Chair Ketcham/Commissioner Fryer; unanimous vote.
22. Agenda A, Tab T – Eliezer Geneus, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
23. Agenda A, Tab V – James Bryan Hale, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 4-1 vote.
24. Agenda A, Tab X – Teresa Hudson-Smelser, present; Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
25. Agenda A, Tab AB – Kristy Reid Kesterson, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

26. Agenda A, Tab AC – Ted George Kresge, present; Commissioner Schwartz recused himself; Sales associate application was withdrawn.
27. Agenda A, Tab AG – Victor M. Martinez, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
28. Agenda A, Tab AF – Shane Michael Maneri, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
29. Agenda A, Tab AL – Frank Myles, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
30. Agenda A, Tab AM – Claudio R. Nascimento, present; Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
31. Agenda A, Tab AN – Sabriana Olson, present; Sales associate application approved; Vice-Chair Ketcham/Commissioner Fryer; unanimous vote.
32. Agenda A, Tab AQ – Brandon Rallo, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
33. Agenda A, Tab AR – Joseph Sanchez, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; 4-1 vote.
34. Agenda A, Tab AU – Jelissa Stubbs, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
35. Agenda A, Tab AW – Kevin P. Touhey, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Ketcham; unanimous vote.
36. Agenda A, Tab AY – Debbie Zertuche, present; Sales associate application approved; Vice-Chair Ketcham/Commissioner Fryer; unanimous vote.
37. Agenda A, Tab I – Charles Brickey, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
38. Agenda A, Tab A – Alonzo D. Luis, not present; Sales associate application continued; waived the 90-day requirement.
39. Agenda A, Tab G – Hilton Arias, not present; Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
40. Agenda A, Tab K – Andrew G. Conrad, not present; Sales associate application continued; waived the 90-day requirement.
41. Agenda A, Tab L – Jeremy Cruz, not present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
42. Agenda A, Tab U – Varinia Godoy, not present; Sales associate application continued; waived the 90-day requirement.
43. Agenda A, Tab W – Brandy K. Haskins, not present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
44. Agenda A, Tab Y – Charles Hunter, not present; Sales associate application continued; waived the 90-day requirement.
45. Agenda A, Tab Z – Ashleigh D. Jones, not present; Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

46. Agenda A, Tab AD – Kevin B. Lewis, not present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
47. Agenda A, Tab AE – Christian Loubriel Sr., not present; Sales associate application denied; Vice-Chair Ketcham/Commissioner Schwartz; unanimous vote.
48. Agenda A, Tab AJ – Tyler A. Miller, not present; Sales associate application was denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
49. Agenda A, Tab AO – Kevin Ortega, not present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
50. Agenda A, Tab AP – Kevin R. Price, not present; Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
51. Agenda A, Tab AV – Kerri L. Tavarozzi, not present; Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
52. Agenda A, Tab AX – Justin Wentworth, not present; Sales associate application continued; waived the 90-day requirement.
53. Agenda B, Tab A – Kiana Anaya, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Ketcham; unanimous vote.
54. Agenda B, Tab B – Meagan Anderson, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
55. Agenda B, Tab C – Martin J. Bradley III, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 4-1 vote.
56. Agenda B, Tab D – Wayne Cherry, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
57. Agenda B, Tab F – Tarakiki Dozier, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
58. Agenda B, Tab G – Isaac Feldman, present; Sales associate application denied; Commissioner Schwartz/Vice-Chair Ketcham; 4-1 vote.
59. Agenda B, Tab H – Craig Franklin, present; Sales associate application approved; Commissioner Fryer/Vice-Chair Ketcham; unanimous vote.
60. Agenda B, Tab I – Amanda Mansueto, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
61. Agenda B, Tab K – Angelina Ryan, present; Sales associate application approved; Vice-Chair Ketcham/Commissioner Fryer; unanimous vote.
62. Agenda B, Tab N – Kenneth Torres, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 4-1 vote.
63. Agenda B, Tab M – Kenneth Torres, present; Instructor application approved; Commissioner Fryer/Commissioner Schwartz; 4-1 vote.
64. Agenda B, Tab O – Mark J. Whitehead, present; Sales associate application denied; Vice-Chair Ketcham/Commissioner Hornsleth; 4-1 vote.

65. Agenda B, Tab J – Maureen J. McGinnes, not present; Sales associate application continued; waived the 90-day requirement.

66. Agenda B, Tab L – Hollee Sells, not present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer, unanimous vote.

Consent Agenda A

The Commission considered 51 applicants from the Consent Agenda A; Commissioner Hornsleth moved; Commissioner Schwartz seconded the motion to approve 36 applicants and require 15 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

| | | |
|-------------------|----------------------|----------------------|
| Adams, Andrea L. | Gay, Cassandra J. | McClurg, Michelle |
| Axuogy, Ngozi R. | Griffith, Michael H. | Messana, Melissa A. |
| Barahona, Aldo A. | Harper, Angela | Mulvaney, Patrick J. |
| Barwick, Joseph | Janke, Ross | O'Daniels, Lita V. |
| Bauchat, James L. | Jones, Tyler | Peddie, Tairka A. |
| Bendek, Arturo E. | Kahres, Shawn | Rotella, Kyle F. |
| Bradford, Breanna | Sakziner, Cynthia | Satrazemis, Marc S. |
| Cabana, Joshua | Kearney, James G. | Smith, Harold D. |
| Charles, Raven | Kline, Meredith | Sykes, Drummond O. |
| Chavez, Lazaro | Lapointe, Fedline | Thompson, Heather X. |
| Colon, Carlos E. | Machata, Greta | Torres, Joshua |
| Elsen, Jordan | Massab, Charles | Wilson, Samantha M. |

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

| | | |
|--------------------------|----------------------|--------------------|
| Abu-Ghannan, Sufian | Feliu Roque, Karelia | Paolino, Kim |
| Blake, Remone St. George | Gordon, Suave | Rejes, Eddileydis |
| Cruzado, Barbara P. | Kazmerski, Jake | Ritchko, Michael |
| Diaz, Angel J. | Mistretta, Mark J. | Rosado, Lizette A. |
| Dzindolet, Jason J. | Montenegro, Jorge | Steiding, Sean D |

Consent Agenda B

The Commission considered 46 applicants from the Consent Agenda B; Commissioner Fryer moved; seconded by Commissioner Schwartz to approve 25 applicants and require 21 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

| | | |
|------------------|--------------------|-------------------------|
| Bartolis, Sean | Garrison, Bridget | Pacheco III, Jose |
| Bjorkman, Mark | Hunt, David | Patel, Chirag |
| Bostic, Yolanda | Krause, Misty | Pearson, Scott |
| Carr, Cynthia | Lamparello, Elana | Rath, Jay |
| Casey, Corey | MacIntyre, Belinda | Smith, Donna |
| Compton, Lisa | McDonald, Robert | Stanley, Mary |
| Delince, Gregory | Melendez Lopez, | Strockbine III, Richard |
| Dyer, Catrell | Stephanie | Thomas, Shakita |
| Freeman, David | Muff, Kim | |

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

| | | |
|---------------------|-------------------|----------------|
| Alleman, Andrew | Cruz Jr., Alfonso | Gale, Derek |
| Berrios Jr., Victor | Defalco, Gary | laboni, Deanna |
| Byrd, Kevin | Estupinan, Hector | Icon, Juana |

Mendoza, Ashley
Murch, Natalie
Neely, Marcus
Orozco, Carlos

Parlov, Bojan
Pike, Ezekiel
Sciancalepore, Antonio
Dejdic, Edin

Southwood, Keith
Stubblefield, Crystal
Thigpen, Nicholas
Zeeman, Daniel

Public Comments

The Commission offered but did not receive any comments.

Recess

There being no objection, the Chair recessed the meeting at approximately 2:56 p.m. until 8:30 a.m. tomorrow.

September 18, 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, 18th day of September, 2019.

Commissioners

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

Commissioner Sanchez 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

Lori Crawford, Executive Director
Merribeth Bohanan, Deputy Chief Attorney
James Fortunas, Deputy Chief Attorney (via video conference)
David Aring, Senior Attorney (via video conference)
Mackenzie Medich, Senior Attorney (via video conference)
Robin Rogers, Senior Attorney (via video conference)
Brittany Bennett, Legal Assistant (via video conference)
Nadia Hamade, Legal Assistant (via video conference)
Kevin Harris, Law Clerk (via video conference)
Jocelyn Pomales, Education Coordinator
Giovanna Corona, Regulatory Consultant
Parker Thornton, Operations Analyst II
Thomas Jones, Administrative Assistant II
American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Commissioner Fryer moved to approve the minutes of the August 20 and 21, 2019, general meeting as written; Commissioner Hornsleth seconded; the motion passed without dissent.

Escrow Disbursement Orders – Agenda

Mr. Kevin Harris, legal clerk, presented 6 Escrow Disbursement Orders.

Commissioner Fryer moved to approve Tabs A, B, C, D and F of the Escrow Disbursement Orders, seconded by Commissioner Schwartz; the motion passed without dissent.

Commissioner Schwartz moved to set aside and send Tab E of the Escrow Disbursement Order to an Interpleader, seconded by Vice-Chair Ketcham; the motion passed without dissent.

Ms. Nadia Hamade, legal assistant, presented 1 Escrow Disbursement Order.

Commissioner Fryer moved to set aside and send Tab G of the Escrow Disbursement Order to an Interpleader, seconded by Commissioner Hornsleth; the motion passed without dissent.

Recovery Fund Case Docket

By consent, Commissioner Fryer moved; seconded by Vice-Chair Ketcham; to accept the 4 Recovery Fund Claim Recommendations for the following cases:

Tab A – Akalay v. Geoffray, Case No. 2017-038068 – Deny.

Tab B – Glorious Casla, LLC v. Sanchez, Case No. 2019-015860 – Grant.

Tab C – Sesay v. Aversan, Case No. 2018-064622 – Deny.

Tab D – Wamer and Fernandez De Larrea v. Suarez – Case No. 2019-014535 – Deny.

Legal Appearance Docket

The Commission addressed the Legal Appearance Docket, hearing 54 docket items with the following results:

(11) Tab A – Christopher Arata, SL 3284404, Case No. 2018045088 – 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 and was recused.

Ms. Medich 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 fines of \$1,000.00; investigative costs of \$189.75; probation for 12 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.

(6) Tab B – Mayory Calvin, SL 3189892, Case No. 2018036441 – Respondent’s Request for Informal Hearing

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

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

Action Taken: Revocation. **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.

(12) Tab C – Lisa Carryer, SL 3158431, Case No. 2018-042330 – 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 Vice-Chair Ketcham 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 4-1 to impose the following sanctions:

Action Taken: Administrative fines of \$250.00; investigative costs of \$156.75. **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.

(13) Tab D – Claudia Davis, SL 3079873, Case No. 2018019077 – 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. 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 without dissent to impose the following sanctions:

Action Taken: Revocation; investigative costs of \$597.30. **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.

(14) Tab E – Cherago Harrmerle, SL 3094210, Case No. 2018006389 – 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 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 3-1 sent to impose the following sanctions:

Action Taken: Administrative fine of \$2,000.00; investigative costs of \$973.50; probation for 12 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; 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.

(8) Tab F – The Home Exchange, INC, CQ 1002062, Case No. 2018037940 – 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 Hornsleth 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 without dissent to impose the following sanctions:

Action Taken: Administrative fine of \$250.00; investigative costs of \$249.15. **Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of Rule 61J2-5.018, Florida Administrative Code, by failing to have a registered, qualifying broker.

(2) Tab G – Mona Montanino, SL 3258354, Case No. 2019008167 – Respondent’s Request for Informal Hearing

The Respondent was not present and represented by counsel, Mr. Daniel Villazon, Esquire, present. Probable cause was waived.

Case was continued to October 2019.

(15) Tab H – James Moynihan, BK 462890, Case No. 2017023281 – 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.

Case continued to on or before December 2019.

(7) Tab I – Peter Palmer, SL 3054454, Case No. 2018055078 – Respondent’s Request for Informal Hearing

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

Ms. Medich represented the Department. After discussion Commissioner Schwartz moved; seconded by Commissioner Hornsleth 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 without dissent to impose the following sanctions:

Action Taken: Revocation. **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.

(16) Tab J – Mickelson Romain, SL 3248332, Case No. 2019028630 – Respondent’s Request for Informal Hearing

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

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

Action Taken: Administrative fine of \$1,000.00; investigative costs of \$198.00. **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.

(1) Tab K – Michael Sexton, SL 3354418, Case No. 2019013387 – Respondent’s Request for Informal Hearing

The Respondent was not present and was represented by counsel; Mr. Mark Levine, Esquire, present. Probable cause was waived.

Ms. Medich 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 4-1 to impose the following sanctions:

Action Taken: Administrative fines of \$500.00; investigative costs of \$96.03. **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.

(17) Tab L – Kurt Traulsen, PA, SL 3042355, Case No. 2019000434 – Respondent’s Request for Informal Hearing

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

Ms. Medich 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: Revocation; investigative costs of \$214.50. **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.

(3) Tab M – Jaret Whitney, SL 682072, Case No. 2018030908 – Respondent’s Request for Informal Hearing

The Respondent was present and represented by counsel, Mr. Daniel Villazon, Esquire, present. Commissioner Fryer served on probable cause 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 Schwartz 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 \$735.90. **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.

(18) Tab N – Hermann Blum, SL 3320456, Case No. 2018015033 – Settlement Stipulation

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 Vice-Chair Ketcham to reject the Settlement Stipulation; the motion passed without dissent.

Action Taken: Settlement stipulation was rejected.

(4) Tab O – Donnamarie Myers, SL 3277230, Case No. 2017044911 – Settlement Stipulation

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

Ms. Bohanan represented the Department. After discussion Commissioner Fryer moved; seconded by Commissioner Schwartz; the motion passed without dissent to adopt the stipulation:

Action Taken: Administrative fine of \$1,500.00; investigative costs of \$597.30; 3-hour core law course; probation for 12 months; 1 complete FREC meeting. **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.

(19) Tab P – Darlene Brinkley, SL 660689, Case No. 2018062194 – Voluntary Relinquishment of License for Permanent Revocation

The Respondent was not present and not represented by counsel.

Ms. Bohanan represented the Department. After discussion Commissioner Fryer moved to accept the Voluntary Relinquishment for Permanent Revocation agreement; seconded by Commissioner Hornsleth; the motion passed without dissent.

Action Taken: Voluntary Relinquishment for Permanent Revocation accepted.

(20-35) Tab Q-AF – CDC Properties of Central Florida, LLC, CQ 1030984, Case Nos. 2018048976, 2018049685, 2018050133, 2018050449, 2018050495, 2018051397, 2018051803, 2018052240, 2018052813, 2018052878, 2018054967, 2018056290, 2018060062, 2018061341, 2018064120, 2019010355 – 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.

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; total investigative cost of \$2,623.50 (Tab Q - \$247.50, Tab R - \$132.00, Tab S - \$115.50, Tab T - \$132.00, Tab U - \$99.00, Tab V - \$132.00, Tab W - \$132.00, Tab X - \$115.50, Tab Y - \$115.50, Tab Z - \$247.50, Tab AA - \$148.50, Tab AB - \$148.50, Tab AC - \$462.00, Tab AD - \$132.00, Tab AE - \$99.00, Tab AF - \$165.00.) **Violation(s):** Per each listed case, respondent violated Section 475.25(1)(b), Florida Statutes, by being guilty of fraud, misinterpretation and dishonest dealings, concealment, 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)(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 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 475.5015, Florida Statutes, by failing to keep and make available all books, accounts and records to the Department.

(36-51) Tab AG-AV – Aaron Chandler, BK 3041236, 3128692, 3129239, 3208300, Case Nos. 2018051313, 2018048531, 2018049483, 2018049654, 2018050392, 2018050490, 2018050924, 2018052141, 2018052792, 2018052841, 2018054729, 2018056287, 2018064071, 2019010337, 2018060316 and 2018061112 – Motion for Waiver of Rights 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.

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; total investigative cost of \$5,349.30 (Tab AG - \$445.50, Tab AH - \$429.00, Tab AI - \$455.40, Tab AJ - \$346.50, Tab AK - \$346.50, Tab AL - \$280.50, Tab AM - \$412.50, Tab AN - \$313.50, Tab AO - \$231.00, Tab AP - \$99.00, Tab AQ - \$313.50, Tab AR - \$702.90, Tab AS - \$280.50, Tab AT - \$280.50, Tab AU - \$165.00, Tab AV - \$247.50.) **Violation(s):** Per each listed case, respondent violated Section 475.25(1)(b), Florida Statutes, by being guilty of fraud, misinterpretation and dishonest dealings, concealment, 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)(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 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 475.5015, Florida Statutes, by failing to keep and make available all books, accounts and records to the Department.

(52-53) Tab AW-AX – Jada Chandler, SL 3023581; Case Nos. 2018056247 and 2018061110 – 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 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 Schwartz; the motion passed without dissent to impose the following sanctions:

Action Taken: Revocation; total investigative costs of \$570.50. **Violation(s):** Per each listed case, respondent violated Section 475.25(1)(b), Florida Statutes, by being guilty of fraud, misinterpretation and dishonest dealings, concealment, 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.

(54) Tab AY – Hollie Dustin, BK 3098575; Case No. 2018058156 – Voluntary Relinquishment of License for Permanent Revocation

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 Hornsleth moved to accept the Voluntary Relinquishment for Permanent Revocation agreement; seconded by Commissioner Schwartz; the motion passed without dissent.

Action Taken: Voluntary Relinquishment for Permanent Revocation accepted.

(55) Tab AZ – Hancock Davis Group, LLC, CQ 1043326; Case No. 2018030623 – 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 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; administrative fine of \$2,000.00; investigative costs of \$227.00.

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; Section 475.42(1)(h), Florida Statutes, by obstructing or hindering the enforcement of Chapter 475, Florida Statutes.

(9) Tab BA – Berlitz Noziere, SL 3395236; Case No. 2018027872 – 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.

Ms. Medich represented the Department. The Commission denied the Respondent's request for a formal hearing and granted an informal hearing. 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 Hornsleth; the motion passed without dissent to impose the following sanctions:

Action Taken: Administrative fine of \$500.00; investigative costs of \$429.00; probation for 6 months; 1 complete FREC meeting. **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)(2), Florida Statutes, by failing to deposit money in an escrow account when the licensee is the purchaser of real estate under a contract where the contract requires the purchaser to place deposit money in an escrow account to be applied to the purchase price if the sale is consummated.

(5) Tab BB – Karyn Roach, BK 694077; Case No. 2019003370 – 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.

Case was continued to October 2019.

FREC-Petitions

Petition for Declaratory Statement – PEL REALTY, LLC, Case No. 2019-047

The Petitioner was not present. After discussion, Commissioner Schwartz moved; seconded by Commissioner Fryer, to issue a Final Order Granting (in parts) the Declaratory Statement; the motion passed without dissent. The Commissioners answered the following questions:

- A. Is Probate Executors LLC, a non-licensed entity, allowed to have an ownership interest in PEL Realty, LLC, a licensed brokerage entity? *Yes.*
- B. Are C. Leon McKenzie and A. Paul Shapansky, non-licensed individuals, able to manage, participate in valuations, or identify real estate opportunities for PEL Realty? *Yes, in part.*
- C. Is compensation paid for management and expense reimbursement from a brokerage account to which commissions are deposited classified as a commission? *Unable to answer without additional details.*
- D. Can Probate Executors LLC receive distributions from the earnings of PEL Realty LLC? *Yes.*

Mr. Lawrence Harris, Esquire, will draft the Final Order and present it to the Commission for approval in the October 2019 Meeting.

Review and Consideration of the Real Estate Education Courses

Ms. Pomales presented 5 Real Estate Education Courses for the Commission's review and consideration.

Tab B – 63 Hr Hybrid Sales Associate Pre License – New Course (63 hours pre-license, hybrid classroom/distance) – application number 38167 – Cameron Academy of Real Estate

The applicant was not present and represented by counsel, Mr. Daniel Villazon, Esquire, present, in support of the application. After discussion, Commissioner Schwartz moved to approve the course; Commissioner Hornsleth seconded the motion. The motion passed with a 3-1 vote. Commissioner Fryer abstained from the vote.

Tab A – Cyber Security and Non-Public Information – New Course (2 hours Business Ethics, classroom) – application number 37203 – Old Republic National Title Insurance Company

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 C – First Time Home Buyer Specialists: A Blueprint for Success – RS 137 – New Course (8 hours specialty, classroom) – application number 37445 – Council of Residential Specialists, An Affiliate of National A

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

Tab D – MLS Basics: Creating A Residential Listing – New Course (3 hours specialty, classroom) – application number 37313 – Emerald Coast Association of Realtors

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 E – Mental Toughness for Realtor – Reconsideration (3 hour specialty, classroom) – application number 36728 – Fidelis Mortgage

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

Reports

The following reports were presented to the Commission:

Enforcement Trends and Escrow Audits Reports
Unlicensed Activity Report
Monthly Exam Performance Summary Report
Application and License Count Reports
Legal Case Activity Report

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

Request for Multiple License – Paul William Arrington – Application No. 1092351

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

Nomination for Chair and Vice-Chair

Commissioner Hornsleth nominated Vice-Chair Ketcham for Chair. Hearing no objections, Chair Fitzgerald closed nominations. Upon unanimous vote, Vice-Chair Ketcham was elected as Chair. Vice-Chair nomination was continued to October 2019.

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 Linda Crawford of Dearborn Publishing.

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 12:35 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for October 15, 2019, in Orlando.

ATTEST:



Patricia Fitzgerald, Chair
Florida Real Estate Commission



Lori Crawford, Executive Director
Florida Real Estate Commission