

Halsey Beshears, Secretary

Ron DeSantis, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
May 19, 2020
Tele-Conference Meeting**

May 19, 2020

Chair Patti Ketcham called the meeting of the Florida Real Estate Commission to order at approximately 8:30 a.m., via Tele-Conference, on this Tuesday, Monday, the 19th day of May, 2020. Executive Director Robin Rogers conducted Roll Call with the below listed participants responding with "present."

Commissioners

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

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

Staff

Robin Rogers, Executive Director
Al Cheneler, Chief Attorney
James Fortunas, Deputy Chief Attorney
Nadia Hamade, Legal Assistant
Janice Lugo, Operations Support Supervisor
Megan McAvoy, Regulatory Consultant
Giovanna Corona, Regulatory Consultant
Jocelyn Pomales, Education Coordinator
Magnolia Reporting, Inc. (407) 896-1813 provided court services.

Escrow Disbursement Orders – Agenda

Nadia Hamade, Legal Assistant, presented 4 Escrow Disbursement Orders.

Commissioner Hornsleth moved to approve Tabs A, B and C of the Escrow Disbursement Order, seconded by Vice-Chair Fryer; the motion passed without dissent.

Vice-Chair Fryer moved to move Tab D of the Escrow Disbursement Order as an Interpleader; seconded by Commissioner Schwartz; the motion passed without dissent.

Review and Consideration of the Real Estate Education Courses

Jocelyn Pomales, Education Coordinator, presented 2 Real Estate Education Course for the Commission's review and consideration.

Tab A – *Renovation Financing Understanding the Basics (PowerPoint)* – New Course (3 hours specialty, classroom) – application number 41796 – Academy Mortgage Corporation

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

Tab B – Mortgage Debt Elimination Strategies – New Course (2 hours specialty, classroom) – application number 41348 – XClerator Report Inc.

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

FREC-Petitions

Petition for Rule Waiver – Goyette, Lisa (Bob Hogue School of Realty) – Case Number VW2020-059

The petitioner was not present. After discussion, it was determined the Commission does not have authority to rule on the waiver relating to license examination requirements, Section 4715.175, F.S.; as a result, the petition was set aside.

Angela Shave, BET Chief of Education and Testing, and Alex Bosque, BET Examination Development Supervisor, presented information relating to PearsonVUE testing availability. Commissioner Sanchez requested a copy of the contract between the Department and PersonVUE to which the Chair requested it be shared with the Commission. Commissioner Fitzgerald asked how many applicants are waiting to test. However, per Executive Order 20-52, COVID-19 is a hardship and the Commission has the ability to implement a Hardship Order exempting and extending deadline for end of course examination. Commissioner Fitzgerald so moved; seconded by Commissioner Hornsleth; motion passed with a 4-2 vote. (Attachment 1)

Special Agenda A

Motion to Vacate Final Order – Robert Crager – Case Number 2019-001612

The petitioner was present via telephone; represented by counsel, Mr. Stephen Burch, Esquire, present via telephone. After discussion, the Commission was advised they do not have jurisdiction to rule on the motion to vacate because the case is with the District Courts of Appeal. Vice-Chair Fryer moved to deny; seconded by Commissioner Sanchez; the motion passed without dissent.

Summary of Applicants

Agenda A

Regulatory Consultant Givanna Corona presented 25 Applicants requesting to sit for the real estate examination. Results are as follows:

TAB	NAME	PRESENT	COUNSEL	PRESENT	VOTE	COUNT
A	Alion, Bradley Joseph*	Yes/Phone	Daniel Villazon, Esq	Yes/Web	Approved	4-1
B	Ash, Damon	Yes/Phone			Approved	Unanimous
C	Baumwald, David Allen	Yes/Web			Approved	Unanimous
D	Blouse, Chelsi	Yes/Phone		Approved	Denied	5-1
E	Coletto, Shaun Jon	Yes/Web		Denied	Denied	5-1
F	Damato Giammanco, Giuseppe	No			Denied	Unanimous
G	Figliolino, Louis Iii	Yes/Phone		Unanimous	Approved	Unanimous
H	Frank, Myra Billie	Yes/Web			Approved	Unanimous
I	Gil, Francisco Cirilo	Yes/Web			Approved	Unanimous
J	Grieser, Garry Dana	Yes/Web			Approved	5-1
K	Hernandez, Maria T	Yes/Web			Approved	5-1
L	Jones, Daniel Allen	Yes/Web			Approved	Unanimous
M	Kehoe, Rebecca	Yes/Phone			Approved	4-2

N	Lafaurie, Jean Philippe	Yes/Web			Denied	4-2
O	Luttich, Rodolfo	Yes/Web			Approved	Unanimous
P	Martinez, Richard	Yes/Web			Approved	Unanimous
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U	Rutland, John	Yes/Web			Approved	Unanimous
V	Saintine, Nathaniel Irwin	Yes/Phone			Approved	Unanimous
W	Shedek, Heidi Lynn	Yes/Web			Approved	Unanimous
X	Wiggins, Ethelyn A	Yes/Phone			Withdrawn	

*Commissioner Hornsleth was not a part of the discussion or vote due to technical difficulties.

Executive Director’s Comments

Executive Director Rogers thanked the Commission and Division staff for a great meeting; addressed questions and comments from the Commission.

Chair’s Comments

Chair Ketcham thanked the Commission and Division staff for a remarkable meeting.

Public Comments

The Commission received public comments from members of the audience. (Attachment 2)

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 1:35 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for June 16, 2020, via Tele-Conference.

ATTEST:

 Patricia “Patti” Ketcham, Chair
 Florida Real Estate Commission

 Robin Rogers, Executive Director
 Florida Real Estate Commission

Halsey Beshears, Secretary

Ron DeSantis, Governor

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K	Hernandez, Maria T	Yes/Web			Approved	5-1
L	Jones, Daniel Allen	Yes/Web			Approved	Unanimous
M	Kehoe, Rebecca	Yes/Phone			Approved	4-2

FILED	
Department of Business and Professional Regulation	
Senior Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	5/26/2020
File #	2020-03033

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FLORIDA REAL ESTATE COMMISSION**

**IN RE: HARDSHIP EXEMPTION FOR STUDENTS ENROLLED IN
 PRE- AND POST- LICENSURE EDUCATION COURSES
 WITH END OF COURSE EXAMINATION REQUIREMENT**

**ORDER ESTABLISHING HARDSHIP EXEMPTION AND
EXTENDING DEADLINE FOR END OF COURSE EXAMINATIONS**

THIS matter came on for consideration by the Florida Real Estate Commission (Commission) at its regularly scheduled Telephonic Conference Call meeting in Orlando, Florida on May 19, 2020. Due to the Novel Coronavirus 2019 global outbreak and the resulting COVID-19 disease national pandemic, citizens of the State of Florida have experienced unprecedented disruption of their ability to conduct public life and their affairs. There have been numerous consequences to those persons who are, or wish to become, licensed Real Estate Professionals in Florida.

Subparagraph 475.17(2)(a)1., Florida Statutes, directs that any person wishing to be licensed as a real estate sales associate in Florida must take a Pre-Licensure Education Course, with passage of an examination serving as the basis for determination of passage of the course. Subparagraphs 475.17(2)(a)1. and 475.17(4)(a), F.S., establish parallel requirements for real estate brokers. Finally, subparagraphs 475.17(3)(a) and (b), F.S., compel the completion of a Post-Licensure Education Course as a prerequisite to initial renewal of a license; failure to complete the course in specified time periods

renders the license null & void. These statutory provisions are fully implemented by Rules 61J2-3.008 and 61J2-3.020, Florida Administrative Code.

The Commission finds that under the current restrictions on public life compelled by the State and Federal Emergency and Executive Orders, and the binding Guidelines and Recommendations of the Centers for Disease Control / Florida Department of Health, a significant number of licensees and candidates for real estate licensure face numerous, extraordinary hardships in complying with the above cited statutory and rule requirements. One such hardship, to be addressed in this Order, concerns the ability of students enrolled in Pre- and Post- Licensure Education Courses to take the final end-of-course examination, a requirement to establish successful completion of the course.

Specifically, students are required to attempt and successfully pass the end-of-course examination within specified time periods; many of these examinations must be taken in-person; through the use of professional testing centers/facilities; or through the use of electronic communications technologies which may not be available to all persons in the state amid the current restrictions.

Paragraphs and subparagraphs 475.17(2)(a)3., (5)(a), and (c)2., F.S., authorize the Commission to make specific exemptions from the examination requirements in cases of hardship, and invite the Commission to enact rules defining such hardships. Accordingly, the

Commission finds the Florida Legislature clearly contemplated that hardship situations would exist, and that the Commission should be authorized to address those situations for the benefit of licensees and candidates for real estate licensure. Such hardships for an individual would certainly include exactly the situation that now exists for the majority of Florida's citizens due to the national COVID-19 pandemic.

However, the sheer scope of the national COVID-19 pandemic is unprecedented in its impacts. Accordingly, the Commission finds it to be consistent with the purpose, intent, and requirements of all applicable State and Federal Emergency and Executive Orders, and the Legislative intent of Section 475.17, F.S., for the Commission to determine the existence of a universal hardship situation affecting all persons enrolled in Pre- or Post- Licensure Education Courses with an end-of-course examination requirement, such courses being necessary for satisfaction of statutory requirements for licensure or licensure renewal. Accordingly, it is

ORDERED and ADJUDGED that:

By issuance of this Order, any requirement regarding timeframes for attempting and successfully completing a required end of course examination, passage of such exam serving as the basis for successful course completion, which is established by Rules 61J2-3.008 and 3.020, F.A.C., or the Commission approved course syllabus, is tolled until December 31, 2020. Students may attempt the end-of-course

examination at any time between completion of the instructional portion of the course and December 31, 2020.

On and after January 1, 2021, all requirements for the timing of the end-of-course examination following the instructional portion of the course are reinstated in full force and effect.

This Order is effective when filed with the clerk of the Department of Business and Professional Regulation.

DONE and ORDERED this 22 day of May, 2020.

FLORIDA REAL ESTATE COMMISSION



Katy McGinnis
Director, Division of Real Estate
on behalf of Patti E. Ketcham, Chair

PEARSON VUE PUBLIC COMMENT

Dorimar Bonilla Espada – Applicant

I am interested in knowing what the plan by the Commission is, for applicants who's process has been affected by COVID-19 related closures. I have a certificate of course completion that expires on June 16th. I have been unable to schedule a test earlier than July 9th due to Pearson Vue's inability to accommodate applicants sooner. I have attempted to work on this process since March but everything was closed for two months, including fingerprinting services. Pearson Vue also closed their locations and re-opened with limited sessions due to social distancing rules, thus, making several applicants unable to schedule tests for months. I am willing to test at any location if there were any options and I look into Pearson Vue's schedule daily for any updates. Would the state issue an emergency provision for applicants to test as per availability of Pearson Vue's schedule? My certificate doesn't expire for another 28 days and I'd hate to see it expire without the ability to complete the process. Thanks! There is nothing available until late Oct

Kenneth Sidler

In reference to Pearson Vue, There are no testing dates available for Real Estate Associate exams within the State of Florida before late October. The only center (1)possibly available is the Univ of Miami which I have been told by Pearson Vue would most likely not be available for the foreseeable future even though they are taking appts for Sept. Is there anyway we can get Pearson Vue to open up their testing centers for the months of June through Sept? Late Oct through Dec is an incredibly long time to wait to test.

Karen Klimer

PUBLIC COMMENT ABOUT THIS ISSUE This is Karen Climer. I find it very disappointing that you would not allow the Bob Hogue students an extension for one year because it was their fault for procrastinating on taking their exam, yet you petitioned the governor for two extensions for licensees who could not do their continuing ed, even though they had two years and it was offered via livestream, and by correspondence. They are similar issues related to COVID. (email was read into record)

Tracy Dubensky

Hello, I have attempted to schedule my RE Sales Associate exam from Pearsonvue. I have checked over 12 testing centers accross 3 different states in order to schedule the exam. Customer Service has not been helpful. Most recently I checked with the testing

center at Florida College of the Keys. Their response was the center is closed and they don't have a reopen date.

Linda Crawford – in regards to Waiver

This is Linda Crawford. I would like to comment regarding the 1 year timeperiod to retest the end-of-course exam. Because rule 3.008(6) FAW allows one year could the FREC extend the one year requirement due to Covid 19 hardship for the period of time that schools were closed. Perhaps a 90 days extension to retest and have it effective for a period of time?

This is Linda Crawford. I would like to suggest that the following questions be directed to Pearson Vue. (1) Will they agree to open extra hours immediately (2) can applicants who have a time limit to sit for their state exam be given first priority for an appointment?

N	Lafaurie, Jean Philippe	Yes/Web			Denied	4-2
O	Luttich, Rodolfo	Yes/Web			Approved	Unanimous
P	Martinez, Richard	Yes/Web			Approved	Unanimous
Q	Prendergast, Cornell Javon	Yes/Web			Approved	Unanimous
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Executive Director's Comments

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Chair's Comments

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ATTEST:



Patricia "Patti" Ketcham, Chair
Florida Real Estate Commission



Robin Rogers, Executive Director
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