

Halsey Beshears, Secretary

Ron DeSantis, Governor

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
October 7, 2020  
Tele-Conference/Live-Stream Emergency Meeting**

**APPROVED** November 2020

**October 7, 2020**

Chair Patti Ketcham called the special meeting of the Florida Real Estate Commission to order at approximately 4:00 p.m., via Tele-Conference/Live-Stream, on this, the 7<sup>th</sup> day of October, 2020. Executive Director Giovanna Corona conducted Roll Call with the below listed participants responding with “present.”

**Commissioners**

Chair Patti Ketcham – via Live-Stream  
Vice-Chair Dick Fryer – via Live-Stream  
Patricia Fitzgerald – via Live-Stream  
Poul Hornsleth – not present, excused  
Guy Sanchez – not present, excused  
Randy Schwartz – via telephone

Mr. Timothy Frizzell, Senior Assistant Attorney General appeared via Live-Stream as counsel for the Commission. Mr. Frizzell declared quorum present.

**Staff**

Giovanna Corona, Executive Director – in person  
Al Cheneler, Chief Attorney – via telephone  
Emy Orellana, Regulatory Specialist III – via Live Stream  
Damon Boodram, DRE Investigator - via Live Stream  
Magnolia Reporting, Inc. (407) 896-1813 provided court services – via Live Stream

The purpose of the meeting was to discuss the FREC Emergency Order regarding the expiry of LiveStreaming of CE Courses and the promulgation of rules 61J2-3.008, 3.009, 3.011 and .020, Florida Administrative Code.

Vice-Chair Fryer moved; seconded by Commissioner Fitzgerald; to accept Emergency Rule Draft 3 (see attached) as presented and extend the order to December 31, 2020; the motion passed without dissent.

Vice-Chair Fryer moved; seconded by Commissioner Fitzgerald; to move forward with the proposed changes relating to 61J2-3.008, 3.009, 3.011 and .020, Florida Administrative Code with the exception of the proposed language that the 3<sup>rd</sup> Emergency Order would cover; the motion passed without dissent. Board Counsel Frizzell addressed the Commission with SERC questions:

- 1) Will the amendments directly or indirectly increase regulatory costs to any entity, including government, in excess of \$200,000.00 in the aggregate in Florida within one year after implementation?  
Commission’s response – No
- 2) Will a violation of this rule or any part of this rule be designated as a minor violation?  
Commission’s response – No

**Executive Director's Comments**

Executive Director Corona thanked the Commission and Division staff for their commitment to licensees.

**Chair's Comments**

Chair Ketcham thanked the Commission and Division staff for making time to conduct this very important meeting to ensure the necessary actions to ensure the needs of licensees and educators are met.

**Public Comments**

The Commission did not receive public comments from members of the audience via GoToMeeting chat.

**Adjournment**

There being no other business, the Chair adjourned the meeting at approximately 4:11 p.m. The next general meeting – licensing of the Florida Real Estate Commission is scheduled for October 20, 2020, via Tele-Conference/Live-Stream.

ATTEST:

  
Patricia "Patti" Ketcham, Chair  
Florida Real Estate Commission

  
Giovanna Corona, Executive Director  
Florida Real Estate Commission

**DRAFT Language**  
**Third Emergency Rule**  
**September 30, 2020**

Notice of Emergency Rule

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
**FLORIDA REAL ESTATE COMMISSION**  
RULE NO.: RULE TITLE:

61J2ER20-\_\_\_ Use of Live Streaming Technology for Delivery of Approved In-Person Education Courses

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** The Florida Real Estate Commission (“FREC”) is statutorily mandated to require specified Prelicensure, Post-Licensure, School Instructor and Continuing Education (“CE”) courses as prerequisites to initial licensure, licensure renewal, and licensure reactivation of Real Estate Sales Agents, Real Estate Brokers, and Real Estate School Instructors. Pursuant to this authority, the FREC has promulgated rules setting forth the requirements for approval of Prelicensure, Post-Licensure, Reactivation, and CE courses. The rules establish different minimum criteria for in-person vs. online or distance learning courses; and courses are submitted by providers and approved/authorized by the FREC as either in-person or online/distance. If a course is approved as in-person, it cannot be offered via online or distance learning methods, unless it is also approved as an online/distance learning course.

Due to the Novel Coronavirus Disease 2019 (COVID-19) public health emergency, the State of Florida has been under continuing public health emergency orders, issued by, among others, the Governor, the State Health Officer, the secretaries of various state agencies, and local governments. While the public health emergency appears to be abating, there is a continued significant, present, real danger to the public health and welfare from the COVID-19 disease.

In order to help accomplish the public policy goal of preventing the spread of the COVID-19 disease, the FREC has promulgated two (2) prior Emergency Orders, allowing delivery of FREC approved in-person educational courses to be offered through synchronous live video streaming/videoconferencing technologies, such as Zoom®, GoToMeeting®, Microsoft Teams®, or WebEx®, among others. This has allowed the state’s real estate professionals, as well as applicants for licensure, to avail themselves of all FREC approved courses, whether “live” or “online,” while reducing the requirement for an in-person gathering of people. As part of the second Emergency Order issued by the FREC, which expires October 8, 2020, the FREC simultaneously initiated rulemaking pursuant to section 120.54, F.S., to amend the existing rules in Chapter 61J2-3, F.A.C., to make the synchronous live-streaming option available through the end of the calendar year. However, due to the minimum timeframes and statutorily requirements for adoptions of amendments to existing rules, it appears the rule amendments will not be completed prior to the expiration of the emergency rule.

The FREC has been informed that the “gap” created by expiration of the second Emergency Rule and the adoption of the proposed rule amendments will result in more than 100 educational courses currently scheduled being either cancelled or a requirement that registrants travel and physically gather in order to avail themselves of the course content. Given the continued public health emergency, the FREC finds this presents an unnecessary and imminent risk to the public health, safety, and welfare, which risk the FREC has been attempting to eliminate since publication of the first Emergency Order in June. Accordingly, the FREC, by a third emergency rule, will continue to waive the requirement that those educational courses previously approved by the FREC as live or in-person must in fact be presented “in-person,” and authorizes any such course previously approved as live to continue to be delivered by synchronous live-streaming technologies, that allow the instructor or monitor to observe each student. The Board finds that this action is a measured regulatory approach that helps to mitigate the threat of exposure to COVID-19 disease to Floridians, including Real Estate professionals and those that come in contact with them, while still satisfying the purpose and intent of the waived requirements.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** Given the fact that many providers of educational courses, as well as licensees and applicants for licensure, have relied on

the FRECs clearly enunciated policy to allow synchronous live streaming of educational courses, and have planned, developed, scheduled, registered, and paid for these courses; that the FREC diligently followed the rulemaking provisions of section 120.54, F.S. in an attempt to promulgate amendments to existing rules to accomplish this goal through the end of 2020; and that a large number of courses will either be cancelled or persons will be forced to gather in-person to receive statutorily required education; the FREC finds that the continued immediate danger to the public health, safety, or welfare due to COVID-19 disease necessitates immediate action to eliminate the gap of time between the expiration of the currently effective second Emergency Rule and the effective adoption of rule amendments. In addition, at the same meeting where this Emergency Rule was proposed, the Commission determined to withdraw the rulemaking initiated to amend the existing rules, since this third Emergency Rule will extend the effective period of allowable synchronous live streaming through the end of 2020, which was and continues to be the intent of the FREC. Notice of this meeting was published in the Florida Administrative Register in Volume 46, No. on September 29, 2020 . In addition, notice of the FREC's meeting was posted on the FREC's official website and was emailed to interested persons and entities.

SUMMARY: The proposed emergency rule authorizes the continued delivery of Prelicensure, Post-Licensure, Reactivation, Continuing Education, and School Instructor education courses previously approved by the FREC to be delivered live and in-person to be delivered via synchronous live streaming / videoconferencing technologies until December 31, 2020. After January 1, 2021, a provider wishing to continue offering courses through synchronous live streaming that technology must apply for approval following existing procedures .

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Giovanna Corona, Executive Director, Florida Real Estate Commission, Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robnson Street, Orlando, Florida 32801.

THE FULL TEXT OF THE EMERGENCY RULE IS:

61J2ER- Use of Live Streaming Technology for Delivery of Approved In-Person Education Courses. For the duration of this Emergency Rule, all Florida Real Estate Commission approved providers of Prelicensure, Post-Licensure, Reactivation, Continuing Education, or School Instructor educational courses may deliver any such course, previously approved by the Commission for in-person / live delivery, through live streaming / online webinar / videoconferencing technologies. Providers may only utilize this process during the effective period of this rule, which ends on December 31, 2020. After the expiration of this emergency rule (January 1, 2021), providers must apply, following current procedures, to continue offering an approved in-person/live course through a synchronous live streaming technology platform. In addition, each provider delivering education courses which require an end of course examination must make provision for the required end-of-course examination to be delivered through electronic methods that do not require a student's physical presence.

Rulemaking Authority: 455.2123, 475.05, 475.17, 475.182, 475.183(3), 475.451, FS. Law Implemented: 455.2123, 455.2178, 475.04, 475.17, 475.182, 475.183, 475.451, FS. History—New.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE:



**ASHLEY MOODY**  
**ATTORNEY GENERAL**  
**STATE OF FLORIDA**

**OFFICE OF THE ATTORNEY GENERAL**  
**Administrative Law**

Cassandra Perry Fullove  
Paralegal Specialist  
PL-01 The Capitol  
Tallahassee, FL 32399-1050  
Phone (850) 414-3306 Fax (850) 922-6425  
Cassandra.Fullove@myfloridalegal.com

**MEMORANDUM**

**TO:** Ernie Reddick  
Bureau of Administrative Code

**FROM:** Cassandra P. Fullove, Paralegal Specialist

**RE:** Emergency Rule 61J2ER20-7

**DATE:** July 6, 2020

Enclosed please find the above-referenced emergency rule to be filed for adoption. Should you have any questions regarding the rule, please contact me at 414-3766.

Please forward the extra stamped copies of the adoption package to me in the envelope provided.

Thank you.

Attachment(s)

**FILED**  
2020 JUL - 6 PM 12: 21  
TALLAHASSEE, FLORIDA

CERTIFICATION OF  
BOARD OF FLORIDA REAL ESTATE COMMISSION EMERGENCY RULE  
FILED WITH THE DEPARTMENT OF STATE

I hereby certify that an immediate danger to the public health, safety or welfare requires emergency action and that the attached rule is necessitated by the immediate danger. I further certify that the procedures used in the promulgation of this emergency rule were fair under the circumstances and that the rule otherwise complies with subsection 120.54(4), Florida Statutes. The adoption of this rule was authorized by the head of the agency and this rule is hereby adopted upon its filing with the Department of State.

Rule No.  
61J2ER20-7

Under the provision of subparagraph 120.54(4)(d), F.S., this rule takes effect upon filing unless a later time and date less than 20 days from filing is set out below:

Effective: \_\_\_\_\_  
(Month) (Day) (Year)

  
\_\_\_\_\_  
Signature, Person Authorized  
To Certify Rules

Executive Director for Patti E. Ketcham, Chair  
Title

\_\_\_\_\_  
Number of Pages Certified

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
2008 JUL -6 PM 12:21  
FILED

**DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION  
CERTIFICATION**

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule No(s).

Rules covered by this certification:

Rule No(s).

61J2ER20-7



Signature of Agency Head

Executive Director for Patti E. Ketcham, Chair

Title

STATE OF FLORIDA  
HALL COUNTY  
2008 JUL -6 PM 12:21

2008 JUL -6 PM 12:21

FILED

Notice of Emergency Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
FLORIDA REAL ESTATE COMMISSION

RULE NO.: RULE TITLE:

61J2ER20-7 Use of Live Streaming Technology for Delivery of Approved In-Person Education Courses  
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Florida Real Estate Commission ("FREC") is statutorily mandated to require specified Prelicensure, Post-Licensure, School Instructor and Continuing Education ("CE") courses as prerequisites to initial licensure, licensure renewal, and licensure reactivation of Real Estate Sales Agents, Real Estate Brokers, and Real Estate School Instructors. Pursuant to this authority, the FREC has promulgated rules setting forth the requirements for approval of Prelicensure, Post-Licensure, Reactivation, and CE courses. The rules establish different minimum criteria for in-person vs. online or distance learning courses; and courses are submitted by providers and approved/authorized by the FREC as either in-person or online/distance. If a course is approved as in-person, it cannot be offered via online or distance learning methods, unless it is also approved as an online/distance learning course.

On March 1, 2020, Florida Governor Ron DeSantis issued Executive Order Number 20-51 which directed the State Health Officer and Surgeon General, Dr. Scott Rivkees, to declare a public health emergency pursuant to the spread of the Novel Coronavirus Disease 2019 (COVID-19). On March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 (Emergency Management - COVID-19 Public Health Emergency) and officially declared that a state of emergency exists in the State of Florida. COVID-19 disease is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza. As of June 18, 2020, there are over 93,500 confirmed cases of COVID-19 disease in the State of Florida. The Center for Disease Control ("CDC") recommends mitigation measures to combat the spread of COVID-19 disease such as staying home when sick, keeping away from others who are sick, staying home when a household member is sick with respiratory disease symptoms, and for those who are at higher risk, including older adults and those who have serious chronic medical conditions, to avoid non-essential travel and to avoid crowds as much as possible. Even though mitigation measures have been successful in "slowing the spread," the risk of public infection remains high.

Since the issuance of the Executive Orders and declaration of a public health emergency by the State Health Officer and Surgeon General Dr. Rivkees, the FREC determined that live video streaming/videoconferencing technologies, such as Zoom®, GoToMeeting®, Microsoft Teams®, or WebEx®, among others, could be used as an alternative method of delivery of the course, and which would satisfy the purpose and intent of the FREC's approval of in-person courses without exposure to the dangers of being in large groups of people, necessity of travel itself, potential contribution to the spread of the virus, and most importantly, would ensure compliance with the State Health Officer's Orders, CDC Recommendations, and Governor DeSantis's Emergency Orders, including the Governor's "Safe. Smart. Step-by-Step." recovery plan.

Florida's Real Estate Professionals, and those who come in contact with them, should not be unnecessarily put at risk during this healthcare emergency. Accordingly, the FREC, by emergency rule, will waive the requirement that those educational courses previously approved by the FREC as live or in-person must in fact be presented "in-person," and authorizes any such course previously approved to be delivered by live-streaming/videoconferencing technologies, that allow the instructor or monitor to observe each student. The Board finds that this action is a measured regulatory approach that helps to mitigate the threat of exposure to COVID-19 disease to Floridians, including Real Estate professionals and those that come in contact with them, while still satisfying the purpose and intent of the waived requirements.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Given the recently declared emergency in the State of Florida; Emergency Order 20-91; the recent guidance from the CDC; the fact that the 2018-2020 biennial renewal for licensure ended March 31, 2020 but was extended to April 30, 2020 by Emergency Order of the Secretary of the Department of Business and Professional Regulation; and that many Real Estate professionals will be required to attend in-person continuing education courses/seminars to fulfill initial licensure or renewal requirements, the FREC finds that an immediate danger to the public health, safety, or welfare necessitates immediate action regarding this issue. In addition, at the same meeting where this Emergency Rule was proposed, the Commission determined to initiate rulemaking to amend the Commission's underlying rules in Chapter

FILED  
2020 JUL -6 PM 12:22  
TALLAHASSEE FLORIDA



61J2-3, Florida Administrative Code, to allow the live-streaming of approved in-person courses through December 31, 2020; after 1 January, 2021, the existing requirements for distance course approval will resume. Notice of this meeting was published in the Florida Administrative Register in Volume 46, No.102 on May 26, 2020 and again in Volume 46, No. 112 on June 9, 2020 . In addition, notice of the FREC's meeting was posted on the FREC's official website.

**SUMMARY:** The proposed emergency rule authorizes Prelicensure, Post-Licensure, Reactivation, Continuing Education, and School Instructor education courses previously approved by the FREC to be delivered live and in-person to be delivered via live streaming / videoconferencing technologies for the ninety-day effective period of the emergency rule.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Robin B. Rogers, Executive Director, Florida Real Estate Commission, Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801.

THE FULL TEXT OF THE EMERGENCY RULE IS:

61J2ER20-7 Use of Live Streaming Technology for Delivery of Approved In-Person Education Courses.

For the duration of this Emergency Rule, all Florida Real Estate Commission approved providers of Prelicensure, Post-Licensure, Reactivation, Continuing Education, or School Instructor educational courses may deliver any such course, previously approved by the Commission for in-person / live delivery, through live streaming / online webinar / videoconferencing technologies. Providers may only utilize this process during the effective period of this rule, ninety (90) days from the effective date. After the expiration of this emergency rule, providers must apply, following current procedures, to offer the course through distance learning methods. In addition, each provider delivering education courses which require an end of course examination must make provision for the required end-of-course examination to be delivered through electronic methods that do not require a student's physical presence.

Rulemaking Authority: 455.2123, 475.05, 475.17, 475.182, 475.183(3), 475.451, FS. Law Implemented: 455.2123, 455.2178, 475.04, 475.17, 475.182, 475.183, 475.451, FS. History—New.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 8, 2020

FILED  
JUL -6 PM 12:22  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

Halsey Beshears, Secretary

Ron DeSantis, Governor

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
October 20, 2020  
Tele-Conference/Live-Stream Meeting**

**October 20, 2020**

Chair Patti Ketcham called the meeting of the Florida Real Estate Commission to order at approximately 8:15 a.m., via Tele-Conference/Live-Stream, on this Tuesday, the 20<sup>th</sup> day of October, 2020. Executive Director Giovanna Corona conducted Roll Call with the below listed participants responding with “present.”

**Commissioners**

Chair Patti Ketcham – via Live-Stream  
Vice-Chair Dick Fryer – via Live-Stream  
Patricia Fitzgerald – via Live-Stream  
Poul Hornsleth – via telephone  
Guy Sanchez – via Live-Stream  
Randy Schwartz – via telephone

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

**Staff**

Giovanna Corona, Executive Director – in person  
Al Cheneler, Chief Attorney – via telephone  
Janice Lugo, Operations Support Supervisor – via Live Stream  
Emy Orellana, Regulatory Specialist III – via Live Stream  
Damon Boodram, DRE Investigator - via Live Stream  
Magnolia Reporting, Inc. (407) 896-1813 provided court services – via Live Stream

FREC Executive Director Giovanna Corona read the following comment into the record: “On Wednesday, October 7, 2020, DBPR’s information security infrastructure identified instances of malicious activity on state-owned technology assets. The Department took immediate security response measures to identify and contain the cause of the malicious system activity and to prevent any compromise of Department systems and data. Importantly, to date, the Department has not identified any evidence that suggests a breach of any personally identifiable information. The Department is committed to achieving a safe and responsible restoration of all system functions swiftly, and upon restoration, will take additional steps to expedite handling of any transactions that have been delayed by this disruption in operation of certain network systems. During the week of October 19, 2020, the Department will align staff resources where necessary to support these additional efforts in processing pending applications and inquiries. We thank you for your patience and understanding during this process.

**Special Agenda A**

**Request for Mutual Recognition with State of Kentucky**

The petitioner was not present in support of the request. After discussion, Commissioner Schwartz moved; seconded by Vice-Chair Fryer; to approve the request for further research to qualify the

education requirements for the State of Kentucky and other expiring state's remain comparable to the State of Florida's; the motion passed without dissent.

2021 FREC Probable Cause and General Meeting Calendar

The Commission was presented with 2021 FREC Probable Cause and General Meeting Calendar. After discussion, Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to approve 2021 FREC Calendar. The motion passed without dissent.

Request for Broker License with Out of State Experience – Cunha, Anna –Application #5920309

The petitioner was present via GoToMeeting Telephone/Live-Stream. After discussion, Vice-Chair Fryer moved; seconded by Commissioner Sanchez; to approve the request for Broker License. The motion passed without dissent.

**Summary of Applicants**

**Agenda A**

Janice Lugo, Licensing Supervisor, presented 57 Applicants requesting to sit for the real estate examination. Results are as follows:

TAB	NAME	PRESENT	MOVED by COMMISSIONER	SECONDED by COMMISSIONER	VOTE	COUNT
A	Cruz Perez, Nelson Enrique (Informal)	No	<i>Continued</i>			
B	Ramirez Pagan, Aida L (Informal)	Yes	Vice-Chair Fryer moved; seconded by Commissioner Fitzgerald to uphold the Notice of Intent to Deny; the motion passed without dissent.			
C	Shakir, David (Informal) Daniel Villazon, Esq.	Yes Yes	Vice-Chair Fryer moved; seconded by Commissioner Fitzgerald to vacate the Notice of Intent to Deny and approve the application; the motion passed with a 5-1 vote.			
D	Suarez, Eylon O (Reconsideration)	No	Commissioner Schwartz moved; seconded by Commissioner Sanchez; to deny the applicant's request for reconsideration and uphold the Notice of Intent to Deny; the motion passed without dissent.			
E	Atwood, Katherine Louise	Yes	Hornsleth	Fitzgerald	Approved	Unanimous
F	Bischoff, Renee Daniel Villazon, Esq.	No Yes	Commissioner Hornsleth moved; seconded by Vice-Chair Fryer; to approve the motion to reconsider the Notice of Intent to Deny; the motion passed without dissent. Commissioner Sanchez moved; seconded by Vice-Chair Fryer; to uphold the Notice of Intent to Deny; the motion passed without dissent. The application was recalled. The motion to uphold the Notice of Intent to Deny was vacated and the applicant withdrew her application.			
G	Boutros, Edward	Yes	Fryer	Fitzgerald	Approved	5-1
H	Castillo, Seferina	Yes	<i>Withdrawn</i>			
I	Collins, Jacob Richard	Yes	Sanchez	Fryer	Approved	Unanimous
J	Cuadra, Alejandro	Yes	Fryer	Schwartz	Approved	Unanimous
K	Daniels, Scott C	No	<i>Continued</i>			
L	Desrosiers, Paultre Arthur	No	<i>Continued</i>			
M	Domaceti, George J	Yes	Fitzgerald	Fryer	Approved	Unanimous
N	Flores, Jorge Alberto	No	Sanchez	Fryer	Denied	Unanimous
O	Garcia, David Jr	Yes	Fryer	Sanchez	Approved	Unanimous
P	Iddriss, Jamel	Yes	<i>Withdrawn</i>			
Q	Jones, Jean Tan Daniel Villazon, Esq.	No Yes	<i>Continued</i>			

R	Kline, Jacob Jason Winn, Esq.	No Yes	<i>Withdrawn</i>			
S	Kraszewski, Keith Robert	Yes	Schwartz	Hornsleth	Approved	Unanimous
T	Looney, Charles Richard	Yes	Hornsleth	Fitzgerald	Approved	Unanimous
U	Smith, Folicia E	Yes	Hornsleth	Fitzgerald	Approved	Unanimous
V	Smith, Joelle Ann	Yes	Fryer	Sanchez	Approved	Unanimous
W	Smith, Pearl	Yes	Fitzgerald	Fryer	Approved	Unanimous
X	Vasquez, Enrique Eulogio Cortez	Yes	Fryer	Schwartz	Approved	Unanimous
Y	Vidal Hane, Jessie	Yes	Fitzgerald	Schwartz	Approved	5-1

### **Agenda B**

A	Benitez, Emanuel	No	Sanchez	Fryer	Denied	Unanimous
B	Blackwood, Melissa	Yes	Fitzgerald	Fryer	Approved	Unanimous
C	Davila, Luis Antonio	Yes	Sanchez	Fryer	Denied	Unanimous
D	Farias, Hilda Yesenia	No	Sanchez	Fryer	Denied	Unanimous
E	Frazier, Celeste Faye	Yes	Schwartz	Fitzgerald	Approved	Unanimous
F	Guevara, Javier Alejandro	Yes	Sanchez	Fryer	Denied	Unanimous
G	Murray, Cassandra	Yes	Schwartz	Fitzgerald	Approved	5-1
H	Newman, Trevor	Yes	Schwartz	Hornsleth	Approved	5-1
I	Pietropaoli, Grace	Yes	Fitzgerald	Fryer	Approved	5-1
J	Pulliam, Michele	Yes	Schwartz	Sanchez	Denied	Unanimous
K	Slater, Terractita Sharmaine	Yes	Schwartz	Fryer	Approved	Unanimous
L	Wimes, Jermaine D	No	Hornsleth	Fitzgerald	Approved	4-2

### **Agenda C**

A	Oms, Roberto (Informal)	Yes	Fryer	Fitzgerald	Approved	5-1
B	Aguila Lopez, Abigail	No	Sanchez	Fitzgerald	Denied	Unanimous
C	Avery, Rhonda Renee	Yes	Schwartz	Fryer	Approved	Unanimous
D	Bello, Damaris	Yes	Fryer	Fitzgerald	Approved	Unanimous
E	Benton, Michael Chase	Yes	<i>Withdrawn</i>			
F	Berry, John	Yes	Fryer	Fitzgerald	Approved	Unanimous
G	Burrough, David	Yes	<i>Withdrawn</i>			
H	De La cruz, Ruben Dario	Yes	Sanchez	Fryer	Approved	Unanimous
I	Dosen, Ryan	Yes	Sanchez	Schwartz	Denied	Unanimous
J	Edge Johnson, Christopher	Yes	Fitzgerald	Fryer	Approved	5-1
K	Garza, Fidel	Yes	<i>Continued</i>			
L	Gecionis, Kaz	No	Schwartz	Fryer	Approved	Unanimous
M	Gonzalez, Eylem	Yes	Sanchez	Fryer	Denied	Unanimous
N	Heidrick, Crystle Lynne	Yes	Fryer	Fitzgerald	Approved	4-2
O	Johnston, Matthew	No	Sanchez	Hornsleth	Denied	Unanimous
P	Kelly, Kevin Laurence Jr Daniel Villazon, Esq.	Yes Yes	Schwartz	Hornsleth	Approved	Unanimous
Q	Puleff, Danielle	Yes	Fryer	Schwartz	Approved	Unanimous

R	Smith, Austin Aunwarr	Yes	Hornsleth	Fryer	Approved	5-1
S	Spires, Ethan	No	Sanchez	Schwartz	Denied	Unanimous
T	Tello, Jorge L	Yes	Fryer	Schwartz	Approved	Unanimous

**Consent Agenda A**

The Commission considered 55 applicants from the Consent Agenda A; Commissioner Fryer moved; Commissioner Fitzgerald seconded the motion to approve the result as presented; the motion passed without dissent. (See attachment A)

**Consent Agenda B and C**

Consent Agenda B and C were continued.

**Executive Director's Comments**

Executive Director Corona 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 great meeting.

**Public Comments**

The Commission did not receive public comments from members of the audience via GoToMeeting chat.

**Adjournment**

There being no other business, the Chair adjourned the meeting at approximately 4:36 p.m. The next general meeting – licensing of the Florida Real Estate Commission is scheduled for November 17, 2020, via Tele-Conference/Live-Stream.

ATTEST:



Patricia "Patti" Ketcham, Chair  
Florida Real Estate Commission



Giovanna Corona, Executive Director  
Florida Real Estate Commission







**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
October 21, 2020  
Tele-Conference/Live-Stream Meeting**

**October 21, 2020**

Chair Patti Ketcham called the meeting of the Florida Real Estate Commission to order at approximately 8:16 a.m., via Tele-Conference/Live-Stream, on this Wednesday, the 21<sup>st</sup> day of October, 2020. Executive Director Giuvanna Corona conducted Roll Call with the below listed participants responding with “present.”

**Commissioners**

Chair Patti Ketcham – via Live-Stream  
Vice-Chair Dick Fryer – via Live-Stream  
Patricia Fitzgerald – via Live-Stream  
Poul Hornsleth – via telephone  
Guy Sanchez – via Live-Stream  
Randy Schwartz – via telephone

Mr. Lawrence Harris, Senior Assistant Attorney General appeared via Live-Stream counsel for the Commission. Mr. Harris declared quorum present.

**Staff**

Giuvanna Corona, Executive Director – in person  
Al Cheneler, Chief Attorney – via telephone  
James Fortunas, Deputy Chief Attorney – via telephone  
Nadia Hamade, Deputy Chief Attorney – via telephone  
Mackenzie Medich, Assistant General Counsel – via telephone  
Gene Aldridge, Assistant General Counsel – via telephone  
Delhon Braaten, Assistant General Counsel – via telephone  
Heather Page, Assistant General Counsel – via telephone  
Amanda Bova, Assistant General Counsel – via telephone  
Kevin Harris, Law Assistant – via telephone  
Emy Orellana, Regulatory Specialist III – via Live Stream  
Damon Boodram, DRE Investigator – via Live Stream  
Magnolia Reporting, Inc. (407) 896-1813 provided court services. – via LiveStream

**Escrow Disbursement Orders – Agenda**

Nadia Hamade, Legal Assistant, presented 15 Escrow Disbursement Orders

Vice-Chair Fryer moved to approve Tabs B, C, D, E, F, G, L, M, N, O of the Escrow Disbursement Order, seconded by Commissioner Fitzgerald; the motion passed without dissent.

Vice-Chair Fryer moved to approve Tab H, I, J, K of the Escrow Disbursement Order; seconded by Fitzgerald; the motion passed without dissent. Commissioner Sanchez was recused.

Vice-Chair Fryer moved to approve Tab A of the Escrow Disbursement Order; seconded by Commissioner Fitzgerald; the motion passed 4-1.

Commissioner Schwartz moved to approve Tab P of the Escrow Disbursement Order as an interpleader; seconded by Vice-Chair Fryer; the motion passed 4-1. Commissioner Fitzgerald was recused.

**Recovery Fund Claims Docket**

Nadia Hamade, Legal Assistant, presented 6 Recovery Fund Claims.

Vice-Chair Fryer moved to accept the claim for Tabs A and B; seconded by Commissioner Sanchez; the motion passed without dissent.

Vice-Chair Fryer moved to accept the claim for Tabs C, D, E, and F as a consent; second by Commissioner Sanchez; the motion passed without dissent.

### **Legal Appearance Docket**

The Commission addressed the Legal Appearance Docket, hearing 26 docket items with the following results:

#### **Tab L – Edward G Thornburg Jr., SL433630, Case No. 2020-016656 – Respondent’s Request for Informal Hearing**

The Respondent was present and represented by Michael Henry, Esq. Ms. Page represented the Department. Commissioner Sanchez served on probable cause and was recused.

After discussion, Vice-Chair Fryer moved; seconded by Commissioner Hornsleth; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed 4-1. Commissioner Schwartz moved; seconded by Commissioner Fitzgerald; to impose the following sanctions:

**Administrative fine of \$1000.00; investigative costs of \$313.50; 3-hour Core Law Course; and 1 complete FREC meeting within 90 days;** the motion passed without dissent.

**Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report in writing to the board within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

#### **Tab N – Andrew Verdi, SL572569, Case No. 2020013562 – Respondent’s Request for Informal Hearing**

The Respondent was present and represented by William Umansky, Esq. Ms. Page represented the Department. Commissioner Hornsleth served on probable cause and was recused.

After discussion, Commissioner Fitzgerald moved; seconded by Commissioner Sanchez; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Fitzgerald moved; seconded by Commissioner Sanchez; to impose the following sanctions: **Investigative costs of \$396; 1 complete FREC Meeting; 3-hour Core Law Course within 90 days** the motion passed without dissent.

**Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report in writing to the board within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

#### **Tab K – Lysa Rodgers, SL2020014603, Case No. 2020014603 – Respondent’s Request for Informal Hearing**

The Respondent was present and represented by Daniel Villazon, Esq. Ms. Page represented the Department. Commissioner Sanchez served on probable cause and was recused.

After discussion, Commissioner Fitzgerald moved; seconded by Vice-Chair Fryer; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Fitzgerald moved; seconded by Vice-Chair Fryer; to impose the following sanctions: **Probation for 6 months; administrative fine of \$500.00; investigative costs of \$973.50; 2 FREC meetings;** the motion passed without 4-1.

**Violation(s):** Section 475.25(1)(f), Florida Statutes, by being convicted or being found guilty of or entered a plea of nolo contendere to, regardless of adjudication, a crime in which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude or fraudulent or dishonest dealing.

**Tab B – Arnaldo R. Cantero, BK320043, Case No. 2020025484 – Respondent’s Request for Informal Hearing**

The Respondent was present and not represented by counsel. Ms. Bova represented the Department.

After discussion, Commissioner Fitzgerald moved; seconded by Vice-Chair Fryer; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice-Chair Fryer moved; seconded by Commissioner Schwartz; to impose the following sanctions: **Administrative fine of \$1,000; investigative costs of \$250.00; 3-hour Core Law Course within 90 days;** the motion passed 4-2.

**Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report in writing to the board within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

**Tab C – Jeanette Elizabeth Donahue, SL3346953, Case No. 220018284 – Respondent’s Request for Informal Hearing**

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

After discussion, Commissioner Hornsleth moved; seconded by Vice-Chair Fryer; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Fryer; to impose the following sanctions: **Administrative fine of \$1,000.00; investigative costs of \$495.00; 1 FREC Meeting within 12 months;** the motion passed 4-1.

**Violation(s):** Section 475.25(1)(f), Florida Statutes, by being convicted or being found guilty of or entered a plea of nolo contendere to, regardless of adjudication, a crime in which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude or fraudulent or dishonest dealing.

**Tab A – Jose Jesus Argiz, BK3033204, Case No. 2020010276 – Respondent’s Request for Informal Hearing**

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

After discussion, Commissioner Schwartz moved; seconded by Vice-Chair Fryer; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Schwartz moved; seconded by Vice-Chair Fryer; to impose the following sanctions: **Revoke license; administrative fine of \$1,000.00 per count (\$3,000.00 Total); investigative costs of \$264.00;** the motion passed 4-1.

**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; and Section 475.25(1)(p), Florida Statutes, by failing to inform the commission in writing within 30 days after entering a plea, or being convicted or found guilty of a felony.

#### **Tab D – Alisha Hasty, SL337985, Case No. 2020012153 – Respondent’s Request for Informal Hearing**

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

After discussion, Commissioner Hornsleth moved; seconded by Vice-Chair Fryer; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Fryer; to impose the following sanctions: **Administrative fine of \$1,000.00; investigative costs of \$264.00; 1 FREC Meeting within 90 days;** the motion passed without dissent.

**Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report in writing to the board within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

#### **Tab M – Robert Lee Uhls, SL693089, Case No. 2020014817 – Respondent’s Request for Informal Hearing**

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

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 Fryer; to impose the following sanctions: **Administrative fine of \$1,000.00; investigative costs of \$940.50; 1 FREC Meeting; 3-hour Core Law within 12 months** the motion passed without dissent.

**Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report in writing to the board within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

#### **Tab R – Everest International Realty Inc., RE Corp1055132, Case No. 202000566 – Motion for Finding of Waiver and Entry of Final Order**

The Respondent was present. Commissioner Hornsleth served on the probable cause panel and was recused. Mr. Braaten represented the Department. The Commission granted the motion for a waiver hearing.

After discussion Commissioner Sanchez moved; seconded by Vice-Chair Fryer to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Sanchez moved; seconded by Vice-Chair Fryer; the motion passed with a 4 to 1 vote to impose the following sanctions: **Revoke license; administrative fines of \$1,000.00; investigative costs \$726.00.**

**Violation(s):** 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.

#### **Tab S – Luis R. Martinez, BK3250415, Case No. 20200002463 – Motion for Finding of Waiver and Entry of Final Order**

The Respondent was present. Commissioner Hornsleth served on the probable cause panel and was recused. Mr. Braaten represented the Department. The Commission granted the motion for a waiver hearing.

After discussion Commissioner Sanchez moved; seconded by Vice-Chair Fryer to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Sanchez moved; seconded by Vice-Chair Fryer; the motion passed with a 4 to 1 vote to impose the following sanctions: **Revoke license; administrative fines of \$1,000.00; investigative costs \$726.00.**

**Violation(s):** Section 475.25(1)(b), Florida Statutes, by being guilty of fraud, misrepresentation, 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.

#### **Tab J – Haley Michele Parker, SL3409074, Case No. 2020010425 – Respondent’s Request for Informal Hearing**

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

After discussion, Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair; to impose the following sanctions: **Administrative fine of \$500.00; investigative costs of \$808.50; 1 FREC Meeting within 90 days;** the motion passed without dissent.

**Violation(s):** Section 475.25(1)(b), Florida Statutes, by being guilty of fraud, misrepresentation, 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)(e), Florida Statutes, through a violation of Section 455.227(1)(j), Florida Statutes, by aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board; Section 475.25(1)(a) A person may not operate as a broker or sales associate without being the holder of a valid and current active license therefor. Any person who violates this paragraph commits a felony of the third degree.

#### **Tab H – Frank Vincent Monte, BK3116017, Case No. 2019056199 – Respondent’s Request for Informal Hearing**

The Respondent was not present and not represented by counsel. Ms. Braaten represented the Department. Vice-Chair Fryer served on probable cause and was recused.

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; to impose the following sanctions: **Revoke license; administrative fine of \$1,000.00; investigative costs of \$305.25;** the motion passed without dissent.

**Violation(s):** Section 475.25(1)(f), Florida Statutes, by being convicted or being found guilty of or entered a plea of nolo contendere to, regardless of adjudication, a crime in which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude or fraudulent or dishonest dealing.

#### **Tab O – Jamie Avoletta, SL3321855, Case No. 2019058067 – Motion for Finding of Waiver and Entry of Final Order**

The Respondent was not present. Vice-Chair Fryer served on the probable cause panel and was recused. Mr. Braaten represented the Department. The Commission granted the motion for a waiver hearing.

After discussion Commissioner Fitzgerald moved; seconded by Commissioner Hornsleth to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Fitzgerald moved; seconded by Commissioner Hornsleth; the motion passed without dissent to impose the following sanctions: **Administrative fines of \$1,000.00; investigative costs \$181.50; 1 FREC Meeting; and 3-hour Core Law Course within 90 days.**

**Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report in writing to the board within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

#### **Tab P – Lynn Carey Becker, BK527902, Case No.2019047873 – Motion for Finding of Waiver and Entry of Final Order**

The Respondent was not present. Commissioner Sanchez served on the probable cause panel and was recused. Mr. Braaten represented the Department. The Commission granted the motion for a waiver hearing.

After discussion Vice-Chair Fryer moved; seconded by Commissioner Schwartz to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice-Chair Fryer moved; seconded by Commissioner Schwartz; the motion passed without dissent to impose the following sanctions: **Administrative fines of \$2,000.00; investigative costs \$264.00; 1 FREC Meeting; and 28 hour Reactivation Course within 6 months.**

**Violation(s):** Section 475.25(1)(b), Florida Statutes, by being guilty of fraud, misrepresentation, 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.

#### **Tab Q – Casey Realty Management, RE Corp1039427, Case No.2019048100 – Motion for Finding of Waiver and Entry of Final Order**

The Respondent was not present. Commissioner Sanchez served on the probable cause panel and was recused. Mr. Braaten represented the Department. The Commission granted the motion for a waiver hearing.

After discussion Vice-Chair Fryer moved; seconded by Commissioner Schwartz to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice-Chair Fryer moved; seconded by Commissioner Schwartz; the motion passed without dissent to impose the following sanctions: **Administrative fines of \$2,000.00; investigative costs \$115.50 within 6 months.**

**Violation(s):** Section 475.25(1)(b), Florida Statutes, by being guilty of fraud, misrepresentation, 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.

**Tab T – Jose Pestano, SL3427969, Case No. 2019052375 – Motion for Finding of Waiver and Entry of Final Order**

The Respondent was not present. Commissioner Schwartz served on the probable cause panel and was recused. Mr. Aldridge represented the Department. The Commission granted the motion for a waiver hearing.

After discussion Commissioner Sanchez moved; seconded by Commissioner Hornsleth to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Sanchez moved; seconded by Commissioner Hornsleth; the motion passed without dissent to impose the following sanctions: **Revoke license; investigative costs \$742.50.**

**Violation(s):** Section 475.25(1)(b), Florida Statutes, by being guilty of fraud, misrepresentation, 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.

**Tab U – Anton Seiss, BK683072, Case No. 2019052375 – Motion for Finding of Waiver and Entry of Final Order**

The Respondent was not present. Commissioner Hornsleth served on the probable cause panel and was recused. Commissioner Fitzgerald was also recused. Mr. Aldridge represented the Department. The Commission granted the motion for a waiver hearing.

After discussion Commissioner Schwartz moved; seconded by Commissioner Sanchez to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Schwartz moved; seconded by Commissioner Sanchez; the motion passed without dissent to impose the following sanctions: **Revoke license; administrative fines of \$1,000.00 per count (\$4,000.00 Total); investigative costs \$759.00.**

**Violation(s):** Section 475.25(1)(b), Florida Statutes, by being guilty of fraud, misrepresentation, 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.

**Tab V – Registry Properties, RE CORP1057637, Case No. 2019049753 – Settlement Stipulation**

Respondent was not present and represented by Daniel Villazon, Esq., present. Vice-Chair Fryer served on the probable cause panel and was recused. Commissioner Sanchez was also recused.

Mr. Aldridge represented the Department. After discussion, Commissioner Schwartz moved to approve the settlement agreement; seconded by Commissioner Fitzgerald. The motion passed with a 3 to 1 vote.

**Tab W – Armando Rodriguez, BK3434190, Case No. 2019049744 – Settlement Stipulation**

Respondent was not present and represented by Daniel Villazon, Esq., present. Vice-Chair Fryer served on the probable cause panel and was recused. Commissioner Sanchez was also recused.

Mr. Aldridge represented the Department. After discussion, Commissioner Schwartz moved to approve the settlement agreement; seconded by Commissioner Fitzgerald. The motion passed with a 3 to 1 vote.

**Tab X – Tana Simmons Firmani, SL3390201, Case No. 2020019268 – Voluntary License Surrender**

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

After discussion Commissioner moved to accept the Voluntary Relinquishment for Permanent Revocation; seconded by Vice-Chair Fryer; the motion passed without dissent.

**Tab Y – Cristobal C. Marin, BK3190598, Case No. 2020005128 – Motion for Finding of Waiver and Entry of Final Order**

The Respondent was not present and was not represented by counsel. Commissioner Sanchez served on the probable cause panel and was recused. Ms. Hamade represented the Department. The Commission granted the motion for a waiver hearing.

After discussion Commissioner Hornsleth moved; seconded by Vice-Chair Fryer to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Vice-Chair Fryer; the motion passed without dissent to impose the following sanctions: **Revoke license; administrative fines of \$5,000.00; investigative costs \$759.00 within 30 days.**

**Violation(s):** Section 475.25(1)(a) A person may not operate as a broker or sales associate without being the holder of a valid and current active license therefor. Any person who violates this paragraph commits a felony of the third degree; Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC ; 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 475.25(1)(b), Florida Statutes, by being guilty of fraud, misrepresentation, 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.

**Tab Z – Jesus Alberto Sanchez Martinez, SL3312776, Case No. 2020007763 – Motion for Finding of Waiver and Entry of Final Order**

The Respondent was not present and not represented by counsel. Commissioner Hornsleth served on the probable cause panel and was recused. Ms. Page represented the Department. The Commission granted the motion for a waiver hearing.

After discussion Commissioner Fitzgerald moved; seconded by Vice-Chair Fryer to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Fitzgerald moved; seconded by Vice-Chair Fryer; the motion passed without dissent to impose the following sanctions: **Revoke license; administrative fines of \$1,000.00 per count (Total \$3,000.00); investigative costs \$363.00.**

**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)(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.

**The following cases were continued:**

Tab E – Sarah Highsmith Hutchinson, SL3359769, Case No. 2020-000433 – Respondent's Request for Informal Hearing

Tab F – Yana Karpova, SL3083958, Case No. 2018-019114 – Respondent's Request for Informal Hearing

Tab G – Gregory Makozy, BK3273643, Case No. 2020-002604 – Respondent's Request for Informal Hearing

Tab I- Andrew T. Moore, BK3180200, Case No. 2020-009152 – Respondent's Request for Informal Hearing

**Rules**

Mr. Larry Harris, Esquire, FREC Counsel, presented Rule 61J2-3.015, F.A.C. After discussion, the Commission was not in favor of the proposed language (see attached) and continued the discussion to a later meeting.

**Meeting Minutes**

Ms. Giovanna Corona, FREC Executive Director, requested to continue the September 2020 reports, August and September 2020 meeting minutes to the November meeting.

**Executive Director's Comments**

Executive Director Corona thanked the Commission and Division staff for a good meeting.

**Chair's Comments**

Chair Ketcham thanked the Commission and Division staff.

**Public Comments**

The Commission received public comments from Ms. Linda Crawford, Dearborn, regarding Rule 61J2-3.015, F.A.C.


**Adjournment**

There being no other business, the Chair adjourned the meeting at approximately 3.37 p.m. The next general meeting – Legal of the Florida Real Estate Commission is scheduled for November 18, 2020, via Tele-Conference/Live-Stream.

ATTEST:



Patricia "Patti" Ketcham, Chair  
Florida Real Estate Commission



Giovanna Corona, Executive Director  
Florida Real Estate Commission

**61J2-3.015 Notices of Satisfactory Course Completion.**

(1) Applicants for initial licensure as a broker or sales associate must provide the course completion report at the individual's scheduled examination as proof that they have satisfactorily completed the applicable Commission prescribed course. Applicants for initial licensure as a broker or sales associate shall submit to the Department a copy of the pre-license course completion certificate with their application for licensure. The course completion certificate is required in order to be able to be approved to sit for the state exam. Applicants submitting an application as a broker or sales associate by mutual recognition or applicants who have a four year degree in real estate or higher are exempt from this provision. In addition, Florida Bar members in good standing are exempt from this provision when applying for a sales associate license.

(2) An application for renewal or reactivation of an existing status as a broker, broker-sales associate, sales associate or instructor shall contain an affirmation by the individual of having satisfactorily completed the applicable Commission prescribed, conducted or approved course(s). Each licensee and instructor permitholder shall retain the course completion report as proof of successful completion of continuing education or post-license education requirements for at least 2 years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with continuing education or post-license education requirements or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the licensee or instructor.

(3) Commission approved equivalent courses offered by accredited Florida universities, colleges, community colleges and area technical centers shall provide students with the applicable course completion report (notice) described below. The course completion report certificates for these equivalent courses must contain the college equivalent course identifying number.

(4) All requests for equivalency for credit courses taken at universities, colleges and community colleges outside of Florida must be accompanied by an official transcript. An official transcript contains the seal of the institution and the signature of the registrar.

(5) The course completion report certificates may be submitted electronically to the student or may must be typed or printed in ink and must be completely filled out by the institution, school or sponsor certifying successful course completion.

(6) The course completion reports certificates shall contain the following information for the type of course being completed.

(a) Pre-licensing Course for Sales Associate.

Name of School

School License Number

Address of School

Course Title: Course I

Course Number

Start Date

Finish Date

Exam Date

~~Last 5 digits of Social Security Number~~ – already removed by FREC in August

Student Name

Student Address

Authorized Signature for the School

(b) Pre-licensing Course for Broker.

Name of School

School License Number

Address of School

Course Title: Course II

Course Number

Start Date

Finish Date

Exam Date

Sales Associate License Number

~~Last 5 digits of Social Security Number~~ – already removed by FREC in August

Student Name  
Student Address  
Authorized Signature for the School  
(c) Broker and Sales Associate Continuing Education and Reactivation Education.

Name of School  
Address of School  
Course Title  
Course Hours  
Start Date  
Finish Date  
License Number

Student Name  
Student Address  
Authorized Signature for the School  
(d) Post-licensing Education for Broker and Sales Associate.

Name of School  
Address of School  
Course Title  
Course Hours  
Start Date  
Finish Date  
License Number

Student Name  
Student Address  
Authorized Signature for the School  
(e) Instructor Continuing Education.

Name of School  
Address of School  
Course Title  
Course Hours  
Start Date  
Finish Date

Permit Number  
Student Name  
Student Address  
Authorized Signature for the School

(f) Each course completion ~~report~~ certificate shall contain the following information:

The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Commission. The original course completion report is to be given to the student and a copy retained by the school.

*Rulemaking Authority 455.2123, 475.05 FS. Law Implemented 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.15, Amended 10-13-88, 12-29-91, 6-7-92, 6-28-93, Formerly 21V-3.015, Amended 9-11-94, 12-30-97, 1-18-00, 10-15-00, 11-16-09, 10-13-10, 12-16-12.*