Minutes of
THE FLORIDA REAL ESTATE COMMISSION
December 11 and 12, 2018
General Meeting

December 11, 2018

Chairperson 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 11th of December 2018.

Commissioners
Chair Patricia Fitzgerald
Vice-Chair Patti Ketcham was excused and not present
Dick Fryer
Paul Hornsleth
Guy Sanchez
Randy Schwartz


Staff
Katy McGinnis, Director
Amrita Singh, Deputy Director
Lori Crawford, Executive Director
Al Cheneler, Chief Attorney
Allison McDonald, Deputy Chief Attorney
Janice Lugo, Operations Support Supervisor
Megan McAvoy, Regulatory Consultant
Dorothy Carter, Regulatory Specialist III
Michell Griffin-Smith, Regulatory Specialist III
Whitley Ward, Government Analyst I
Thomas Jones, Administrative Assistant II
American Court Reporting, Inc. (407) 896-1813 provided court services.

Summary of Applicants
Government Analyst, Whitley Ward, presented 82 Summary of Applicants requesting to sit for the real estate examination.

1. Agenda A, Tab O – Denisse Marie Comas, present; represented by Nancy Campiglia, Esquire, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

2. Agenda A, Tab Q – Tracy Davis, not present; represented by Nancy Campiglia, Esquire, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
3. Agenda A, Tab AQ – Karla C. Schwartz, present; represented by Nancy Campiglia, Esquire, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

4. Agenda A, Tab F – Ashley Katrice Williams, not present; represented by Daniel Villazon, Esquire, present; Sales associate application continued; applicant waived the 90-day requirement.

5. Agenda A, Tab L – Belus Brutus, present; represented by Daniel Villazon, Esquire, present; continued; Sales associate application approved; Commissioner Schwartz/Fryer; 4-1 vote.

6. Agenda A, Tab AS – Amanda Lynn Sheffield, present; represented by Daniel Villazon, Esquire, present; Sales associate application approved; Commissioner Fryer/Hornsleth; unanimous vote.

7. Agenda A, Tab AU – Eric Bradford Tinsley, present; represented by Daniel Villazon, Esquire, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.

8. Agenda B, Tab K – Daniel M. Flynn, present; represented by Daniel Villazon, Esquire, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

9. Agenda A, Tab C – Victoria Taylor McKinzie, present; represented by Daniel Villazon, Esquire, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

10. Agenda A, Tab AT – Christopher John Shipley, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

11. Agenda A, Tab A – Michael Condello, present – Informal – Vacate Notice of Intent to Deny and sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

12. Agenda A, Tab G – Juan Felipe Aguilar, present; Sales associate application approve; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

13. Agenda A, Tab I – Wordsworth Rudolph Berkeley, Jr., present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

14. Agenda A, Tab M – Carmel Hannah Carden, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 3-2 vote.

15. Agenda A, Tab N – Jessica Ciccarelli, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 4-1 vote.

16. Agenda A, Tab R – Terry Dorrey, present; Sales associate application approved; Commissioner Schwartz/Commissioner Hornsleth; 3-2 vote.

17. Agenda A, Tab S – Mingyao Dou, present; Sales associate application denied; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.

18. Agenda A, Tab U – Corina E. Gonzalez, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; 4-1 vote.

19. Agenda A, Tab V – Jerrick Gonzalez, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

20. Agenda A, Tab W – Kenneth Goodman, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
21. Agenda A, Tab Y – Heather Gwen Haynes, present; Sales associate application approved; Commissioner Schwartz/Commissioner Sanchez; unanimous vote.

22. Agenda A, Tab Z – Lynne Healy, present; Sales associate application approved with conditions; Commissioner Fryer/Commissioner Hornsleth; 4-1 vote.

23. Agenda A, Tab AA – David Henderson; Sales associate application approved; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.

24. Agenda A, Tab AD – David Knapp, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4-1 vote.

25. Agenda A, Tab AE – Hilda Griselda, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

26. Agenda A, Tab AG – Ann Lenoir, present; Sales associate application denied; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.

27. Agenda A, Tab AI – Ashanti L. Mack, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.

28. Agenda A, Tab AJ – Emily Shea Martin, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

29. Agenda A, Tab AK – Mark S. Metrovich, present; Applicant withdrew the application.

30. Agenda A, Tab AM – Alba Elizabeth Oporta, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

31. Agenda A, Tab AN – Sandra C. Pelaez, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 3-2 vote.

32. Agenda A, Tab AO – Jamara D. Phillips, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 3-2 vote.

33. Agenda A, Tab AP – Josef Rafael, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

34. Agenda A, Tab AR – Lorena Seda Morales, present; Sales associate application approve; Commissioner Fryer/Commissioner Hornsleth; 3-2 vote.

35. Agenda A, Tab AW – Nelson Ismael Vega, present; Sales associate application approve; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

36. Agenda A, Tab AX – Gregory Boyd Wilhelm, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

37. Agenda A, Tab AY – Benjamin Carl Zuk, present; Sales associate application approved; Commissioner Schwartz/Commissioner Hornsleth; unanimous vote.

38. Agenda A, Tab J – Luis Bonano, present; Sales associate application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; 4-1 vote.

39. Agenda A, Tab P – Brian Michael Corbman, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

40. Agenda B Tab H – James Bert Coker; present; represented by John Samaan, Esquire; Sales associate application continued; applicant waived the 90-day requirement.
41. Agenda B, Tab AA – Gregory Salgado, Jr., present; Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz; unanimous vote.

42. Agenda B, Tab A – John Monplaisir, present; informal; Sales associate application previous denial vacated and approved with conditions; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

43. Agenda B, Tab B – Lawanna Anderson, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; 4-1 vote.

44. Agenda B, Tab C – Shabazz Angomas, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; 3-2 vote.

45. Agenda B, Tab D – Timothy Robert Birkholz, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.

46. Agenda B, Tab E – David Bollet, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; 3-2 vote.

47. Agenda B, Tab F – Graced Coulson Dana, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz unanimous vote.

48. Agenda B, Tab G – Maria Gabriela Garcia, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

49. Agenda B, Tab H – Justin Michael Dixon, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 4-1 vote.

50. Agenda B, Tab I – Lew Wallace Hawekotte, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.

51. Agenda B, Tab J – Heather Kunz, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

52. Agenda B, Tab K – Aramis Landrau, present; Sales associate application approved; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.

53. Agenda B, Tab L – Joel Martinez, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

54. Agenda B, Tab M – Nicholas George Matheos, Jr., present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

55. Agenda B, Tab N – Marilyn Michelle McNeal, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

56. Agenda B, Tab O – Lisa Rose Murphy, present; Sales associate application withdrawn.

57. Agenda B, Tab P – Susan Thanh Nguyen Acevedo, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4-1 vote.

58. Agenda B, Tab Q – Kevin Michael Persaud, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

59. Agenda B, Tab R – Juan Carlos Rodriguez, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

60. Agenda B, Tab AC – Meshalle D. Strickland, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4-1 vote.
61. Agenda C, Tab A – William Louis Lockwood, IV, present; Sales associate application approved; Commissioner Schwartz/Commissioner Sanchez; unanimous vote.

62. Agenda C, Tab B – Sacha Ester McKown, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; 4-1 vote.

63. Agenda A, Tab B – Ricky Lynn Grant, not present; Informal; Sales associate application continued; applicant waived the 90-day requirement.

64. Agenda A, Tab D – Jacquella Tilley, not present; Informal; Sales associate application continued; applicant waived the 90-day requirement.

65. Agenda A, Tab E – Martha Isabel Viveros Valencia, not present; Sales associate application withdrawn.

66. Agenda A, Tab H – Adolfo Enrique Barros, not present; Sales associate application continued; applicant waived the 90-day requirement.

67. Agenda A, Tab K – Anthony F. Breitbach, not present; Sales associate application continued; applicant waived the 90-day requirement.

68. Agenda A, Tab T – Mark Gerard Fitrzyk, not present; Sales associate application denied; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.

69. Agenda A, Tab X – Cesarina Patricia Guzman, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz; unanimous vote.

70. Agenda A, Tab AB – Gracie C. Hernandez, not present; Sales associate application continued; applicant waived the 90-day requirement.

71. Agenda A, Tab AC – Tosheba Hope, not present; Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

72. Agenda A, Tab AF – Vivian Labarta, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; 3-2 vote.

73. Agenda A, Tab AH – Jesse Donald Lore, not present; Sales associate application approved; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.

74. Agenda A, Tab AL – Arseniy Natarov, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz; unanimous vote.

75. Agenda A, Tab AV – Bryan Yizreel Valladares, not present; Sales associate application continued; applicant waived the 90-day requirement.

76. Agenda B, Tab F – Vincent Anthony Branda, not present; Sales associate application approved; Commissioner Schwartz/Commissioner Hornsleth; 4-1 vote.

77. Agenda B, Tab G – Justin Bryce Castellanos, not present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

78. Agenda B, Tab M – Alexis Hassun, not present; Sales associate application denied; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.

79. Agenda B, Tab O – Ryan Hendrix, not present; Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

80. Agenda B, Tab P – Richard Jovel, not present; Sales associate application continued; applicant waived the 90-day requirement.
81. Agenda B, Tab Z – Joanmari Roldan, not present; Sales associate application continued; applicant waived the 90-day requirement.

82. Agenda B, Tab AB – Nydia Sandino, not present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; 4-1 vote.

**Consent Agenda A**
The Commission considered 26 applicants from the Consent Agenda A; Commissioner Hornsleth moved; Commissioner Sanchez seconded the motion to approve 17 applicants and require 9 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

- Feldman, George Alan
- Jean, Withny
- Jeudy, Valery
- Lozano, Michael
- Mathis, Toni Marie
- Pate, Joshua William
- Quay, Thomas P. Jr.
- Ramirez Diaz, Lourdes
- Rivera, Axel Ryan
- Schumann, Daniel
- Scott, Jason Michael
- Setzer, Katherine L.

Solomon, Harold Richard
Stout, Teeto
Suarez-Guzman, Cecilia Maria
Swo, Alexandra
Therien, Deborah

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

- Brett, Sabrina
- Brooks, Kane Edward
- Charles, Estone
- Chouinard, Alfred Real III
- Cueva, Jose G.
- Freeman, Ingrid

Richardson, Kristopher
Rodgers, Jimmie Ray II
Tuohy, Zachary Charles

**Consent Agenda B**
The Commission considered 21 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Sanchez to approve 14 applicants and require 7 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

- Ambrose, Jill
- Edwards, Mathew Taylor
- Hight, John
- Jimenez, Amaris
- Khan, Haider
- Leonard, Kristopher L.
- Macias, David Alexander
- Pugh, Katrina Denise
- Ray, Ryan
- Rojas, Daniela Carolina

Siegel, Alan C.
Tanco, Sonny Domingo
Turnipseed, Robert Ernest
Warden-Levine, William Darrell Jr.

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

- Bethea Simmonds, Charlene
- Brigance, Christopher S.
- Carter, Gregory Rashand
- Hamiel, Lucas
- Roberson, Justin

Scott, Joseph
Worrell, Marvin

**Public Comments**
The Commission offered but received no comments from members of the audience.

**Recess**
There being no objection, the Chair recessed the meeting at approximately 5:00 p.m. until 8:30 a.m. tomorrow.
**December 12, 2018**
Chair Fitzgerald reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 12th day of December 2018.

**Commissioners**
Chair Patricia Fitzgerald  
Vice-Chair Patti Ketcham was excused and not present  
Dick Fryer  
Poul Hornsleth  
Guy Sanchez  
Randy Schwartz


**Staff**
Amrita Singh, Deputy Director  
Lori Crawford, Executive Director  
Al Cheneler, Chief Attorney  
Allison McDonald, Deputy Chief Attorney  
James Fortunas, Deputy Chief Attorney (via video conference)  
Alisha Jimenez, Senior Attorney  
Merrineth Bohanan, Senior Attorney (via video conference)  
Roger Maas, Senior Attorney (via video conference)  
Sara Kimmig, Bureau Chief of Enforcement  
Jocelyn Pomales, Education Coordinator  
Dorothy Carter, Regulatory Specialist III  
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 October 16 & 17, 2018, general meeting as written; Commissioner Sanchez seconded; the motion passed without dissent.

Commissioner Fryer moved to approve the minutes of the November 13 & 14, 2018, general meeting as written; Commissioner Sanchez seconded; the motion passed without dissent.

**Recovery Fund Case Docket**

**Tab A – Jennifer Cornelius v. Mohamed Donald, DBPR Case No. 2016006408**

Ms. Fitzsimmons with Mr. Fortunas presented the above matter to the Commission. Neither the Licensee nor the Claimant was present. Ms. Fitzsimmons advised that the Claimant does not qualify statutorily to receive payment from the recovery fund. After discussion Commissioner Fryer moved to approve a Final Order Denying Recovery Fund Claim; Commissioner Schwartz seconded. The motion passed with a 3-2 vote.

**Tab B – Stacie Roy v. Mohamed Donald, DBPR Case No. 2018015845**

Ms. Fitzsimmons with Mr. Fortunas presented the above matter to the Commission. Neither the Licensee nor the Claimant was present. Ms. Fitzsimmons advised that the Claimant does not qualify statutorily to receive payment from the recovery fund. After discussion Commissioner Fryer moved to approve a Final Order Denying Recovery Fund Claim; Commissioner Sanchez seconded. The motion passed with a 4-1 vote.
Tab C – Anthony and Shuntell Simmons v. Taryn Williams-Austin, DBPR Case No. 2017056189

Ms. Fitzsimmons with Mr. Fortunas presented the above matter to the Commission. The Claimants were present to present mitigation. The Licensee was not present. Ms. Fitzsimmons advised that the Claimant does not qualify statutorily to receive payment from the recovery fund. After hearing mitigation from the Claimants and further discussion Commissioner Hornsleft moved to approve a Final Order Approving Recovery Fund Claim in the amount of $40,000.00; Commissioner Sanchez seconded. The motion carried without dissent.

Tab D – Angela Smith v. James Bennett, DBPR Case No. 2018036671

Case withdrawn.

Escrow Disbursement Orders – Agenda

Ms. Jimenez presented 7 Escrow Disbursement Orders and 1 Order for Interpleader for the Commission’s consideration. Commissioner Sanchez was recused from Tab F. Chair Fitzgerald was recused from Tab G.

The Commission, with Chair Fitzgerald and Commissioner Sanchez recused, unanimously approved Tabs F and G as presented.

The Commission unanimously approved Tabs A-E and H as presented.

Legal Appearance Docket

The Commission addressed the Legal Appearance Docket, hearing 30 docket items with the following results:

Tabs O–T – Snejana I. Hristova, SL 3085680; Case No(s) 2018011527, 2018016505, 2018017181, 2018023296, 2018028260, 2018029536 – Voluntary Relinquishment for Permanent Revocation

Respondent was not present; Respondent was represented by John R. Samaan, Esquire. There was no probable cause panel.

Ms. McDonald and Certified Legal Intern Fitzsimmons represented the Department. Upon Mr. Cheneler’s request the Commission permitted Ms. Fitzsimmons to present the matter. Commissioner Hornsleft moved; Commissioner Fryer seconded the motion to accept the Voluntary Relinquishment for Permanent Revocation; the motion passed without dissent.

Action Taken: Voluntary Relinquishment of License for Permanent Revocation accepted.

Tabs W–Z – Stoyko Petrov Stoykov, BK 3092860; Case No(s) 2018020222, 2018020932, 2018025862, 2018032115 – Voluntary Relinquishment for Permanent Revocation

Respondent was not present; Respondent was represented by John R. Samaan, Esquire. There was no probable cause panel.

Ms. McDonald and Certified Legal Intern Fitzsimmons represented the Department. Upon Mr. Cheneler’s request the Commission permitted Ms. Fitzsimmons to present the matter. Commissioner Hornsleft moved; Commissioner Fryer seconded the motion to accept the Voluntary Relinquishment for Permanent Revocation; the motion passed without dissent.

Action Taken: Voluntary Relinquishment of License for Permanent Revocation accepted.
Respondent was not present and was represented by Daniel Villazon, Esquire. Commissioner Fryer was recused due to participation on the probable cause panel.

Mr. Fortunas represented the Department and presented the case to the Commission; DOAH Case No. 05-3275. Mr. Fortunas stated that the Commission’s decision was appealed and after DCA review it remanded the case back to the Commission for further consideration. After discussion, Commissioner Hornsleth moved; seconded by Commissioner Randy Schwartz to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Hornsleth; the motion passed without dissent to impose the following sanctions:

**Penalty:** Administrative fine of $2,000.00; investigative costs of $3234.00; probation for 6 months.  
**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)(e), Florida Statutes, through a violation of Section 475.42(1)(a), Florida Statutes, by operating as a sales associate without holding a current active license. Section 475.25 (1)(u) Florida Statute, by failing, if a broker, to direct control or manage a broker associate or sales associate employed by a broker if the records of the department establish that the broker associate or sales associate is registered with that broker.

Tab E – Debra Ann Nesper, BK 665569,3044744,3318045; Case No. 2016007944 – Respondent’s Request for Informal Hearing

**Action taken:** Hearing continued until January agenda due to quorum issue.

Tab C – Farouk Ali, BK 3134852; Case No. 2016042019 – Respondent’s Request for Informal Hearing

Respondent was not present; Respondent was represented by Daniel Villazon, Esquire. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Ms. Bohanan represented the Department and presented the case to the Commission. Mr. Villazon requested the matter be referred to the Division of Administrative Hearings(DOAH). After discussion the matter was referred to DOAH for a formal hearing.

**Action taken:** Referred to DOAH.

Tab F – Richard J. Hewins, SL 568005; Case No. 2017012028– Settlement Stipulation

Respondent was present; Respondent was presented by Daniel Villazon, Esquire. No current members were recused due to participation on the probable cause panel.

**Penalty:** Administrative fine of $1,000.00; investigative costs of $317.13; complete a 30-hour property management course; attend 2 full FREC general meetings; probation for 6 months.  
**Violation(s):** Section 475.25 (1)(b) Florida Statutes, by being guilty of committing fraud, misrepresentation, concealment, false promises, dishonest dealing by trick, scheme, or device, culpable negligence or breach of trust in any business transaction in this state or any other state, nation or territory; has violated a duty imposed upon him by law or by the terms or a listing contract, written, oral, express or implied in a real estate transaction. Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t) Florida Statutes ,by failing to report within 30 days that he pled nolo contend to and was adjudicated guilty of a crime of Reckless Driving. Section 475.25 (1)(k) Florida Statutes, Respondent failed to immediately place, upon receipt, any money, fund, deposit, check or draft
entrusted to him by any person dealing with him as a broker in escrow with a title company banking institution credit union or savings and loans association located or doing business in this state, or to deposit such funds in a trust or escrow account maintained by her or him with some bank, credit union, or savings and loans association located and doing business in this state, wherein that funds shall be kept until disbursement thereof properly authorized; or has failed, if sales associate to immediately place with her or his registered employer any money, fund deposit, check or draft entrusted to her or him by any person dealing with her or him as agent of the registered employer.

Tab D – Brickell Brokers Corporation, CQ 1036856; Case No. 2017016985 – Settlement Stipulation

Case continued until January 2019.

Tab F – David Cevallos, BK 3150810; Case No. 2017010972– Settlement Stipulation

Case continued until January 2019.

Tab K – David Cevallos, BK 3150810; Case No. 2017061623– Settlement Stipulation

Case continued until January 2019.

Tab D– Gerald Alois II Harles, SL3361576; Case No. 2017020984– Respondent’s Request for Informal Hearing

Respondent was not present and was not represented by counsel. Commissioner Sanchez was recused due to participation on the probable cause panel.

After discussion, Commissioner Fryer moved; seconded by Commissioner Hornsleth to adopt the Findings of Fact and Conclusions of Law and find the Respondent guilty as charged in the in the Administrative Complaint. Commissioner Fryer moved; seconded by Commissioner Hornsleth; the motion passed with a 3-1 vote to impose the following sanctions:

Penalty: Administrative fine of $250.00, investigative costs of $317.13. Violation(s): Section 475.25 (1)(f) Florida Statutes, Respondent pled nolo contendre to and was adjudicated guilty of a crime of Exhibition of Firearm and Assault.

Tab C– Steven Tidas, SL 3133106; Case No. 2017014885 – Respondent’s Request for Informal Hearing

Respondent was not present and was not represented by counsel. No current members were recused due to participation on the probable cause panel.

Ms. Jimenez represented the Department and presented the case to the Commission. After discussion, Commissioner Schwartz moved; seconded by Commissioner Hornsleth to adopt the Findings of Fact and Conclusions of Law and find the Respondent guilty as charged in the in the Administrative Complaint. Commissioner Fryer moved; seconded by Commissioner Hornsleth; the motion passed with a 4-1 vote to impose the following sanctions:

Penalty: License Revocation. Violation(s): Section 475.25 (1)(b) Florida Statutes, by being guilty of committing fraud, misrepresentation, concealment, false promises, dishonest dealing by trick, scheme, or device, culpable negligence or breach of trust in any business transaction in this state or any other state, nation or territory; has violated a duty imposed upon her or him by law or by the terms or a listing contract, written, oral, express or implied in a real estate transaction.
Tab H – Kelly Tiley, SL3254371; Case No. 2017039428 – Respondent's Request for Informal Hearing

Respondent was not present and was not represented by counsel. Commissioner Sanchez was recused due to participation on the probable cause panel.

Ms. Bohanan represented the Department and presented the case to the Commission. After discussion, Commissioner Fryer moved; seconded by Commissioner Hornsleth to adopt the Findings of Fact and Conclusions of Law and find the Respondent guilty as charged in the in the Administrative Complaint. Commissioner Fryer moved; seconded by Commissioner Hornsleth; the motion passed without dissent to impose the following sanctions:

**Penalty:** Administrative fine of $250.00, investigative costs of $305.25. **Violation(s):** Section 475.227(1)(t) Florida Statutes, Respondent failed to report in writing to the board or the department within 30 days after the Respondent is convicted or found guilty of, or entered a plea of nolo contendere or guilty, regardless of adjudication, a crime in any jurisdiction.

Tab L – Nerstha Damier, SL 3268480 Case No. 2017022243 – Respondent's Request for Informal Hearing

Respondent was not present and was not represented by counsel. Commissioner Hornsleth was recused due to participation on the probable cause panel.

After discussion Commissioner Schwartz moved; seconded by Commissioner Fryer to reject the stipulation; motion passed without dissent. Commissioner Schwartz moved; seconded by Commissioner Fryer; motion passed without dissent to offer a counter stipulation.

**Action Taken:** Stipulated settlement rejected. Counter offer by FREC; suspension of 5 years; administrative fine of $1,000.00; investigative costs of $420.72; attend 2 complete FREC general meetings; complete a 28-hours reactivation course; probation for 6 months.

Tap M – Richard Michael Colbert, BK3258360; Case No.2017041333 – Voluntary Relinquishment

Respondent was not present and was not represented by counsel. There was no probable cause panel.

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

**Action Taken:** Voluntary Relinquishment of License for Permanent Revocation accepted.

Tap N – Keith De Somer, SL 3085667; Case No.2017053356 – Voluntary Relinquishment

Respondent was not present and was not represented by counsel. There was no probable cause panel.

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

**Action Taken:** Voluntary Relinquishment of License for Permanent Revocation accepted.
Respondent was not present and was not represented by counsel. There was no probable cause panel. Ms. McDonald and Certified Legal Intern Ms. Fitzsimmons represented the Department. Ms. Fitzsimmons, legal intern, presented a request for continuance received from Ms. Kamalizad. Commissioner Hornsleth moved; seconded by Commissioner Fryer to deny the request for continuance and accept the Voluntary Relinquishment for Permanent Revocation; the motion passed without dissent.

**Action Taken:** Motion for Continuance denied; Voluntary Relinquishment of License for Permanent Revocation accepted.

**Tabs AA-AB – Imelda Gonzalez, SL 3069735; Case No(s) 2016016326 and 2017000688 – Motion for Finding of Waiver and Entry of Final Order**

Respondent was not present and was not represented by counsel. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Mr. Maas and Certified Legal Intern Stephanie Fitzsimmons represented the Department. The Commission granted the Motion for Waiver. After discussion Commissioner Fryer moved; seconded by Commissioner to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Sanchez; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; pay investigative costs as follows: Case No. 2017-000568, $577.20; Case No. 2017-046895, $173.25; 2017-049525, $214.50; 2017-051511, $272.75; 2016-043860, $684.75; 2017-009966, $678.15; 2017-047946, $173.25; 2017-049720, $346.50; 2017-046390, $288.75; 2017-051490, $280.50; 2017-054011, $445.50; 2017-055475, $313.50; 2017-055479, $338.25; 2017-059931, $264.00. **Violation(s):** Section 475.25(1)(e) Florida Statutes, through a violation of Rule 61JJ-5.016, Florida Administrative Code, by being an officer and/or director of Arcadia, even after notice from the Department in 2012 regarding the impropriety of such an arrangement; Section 475.42(1)(b), Florida Statutes, by holding an officer and/or director position in Arcadia and Maintaining signatory authority over an escrow account; Section 475.25(1)(k), Florida Statutes, by contrary to the terms of both the Contract and the Deposit Receipt, misdirecting Buyer’s Escrow into Respondent’s and Arcadia’s operating account; Section 455.227(1)(m), Florida Statutes, by making untrue statements in or related to the practice of a profession; Section 475.42(1)(a), by facilitating a real estate transaction while her license was inactive; Section 475.25(1)(d), Florida Statutes, by failing to timely account for or deliver the escrow and commingling the escrow deposit with the operating funds and commingling the escrow deposit with the operating funds.

**Tab AC – Jason Lawson, SL 3262226; Case No.2017042159 – 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. Vice-Chair Ketcham was excused and not present.

Mr. Maas represented the Department. The Commission granted the Motion for Waiver. 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 Commissioner Sanchez; the motion passed without dissent to impose the following sanctions:

**Action Taken:** Revocation; investigative costs $214.50. **Violation(s):** Section 475.25(1)(e), Florida Statutes, when Respondent violated Final Order No. 2016-054811 issued under the provisions of chapters 455 or 475 by failing to pay the $500,000 administrative fine.

Minutes of December 11 and 12, 2018
Prepared by L. Crawford
The Respondent was not present and not represented by counsel. Vice-Chair Ketcham served on the probable cause panel. Vice-Chair Ketcham was excused and not present.

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

**Action Taken:** Revocation; investigative costs of $258.00. **Violation(s):** Section 475.25(1)(e ), Florida Statutes, when Respondent violated Final Order No. 2015-013432 issued under the provisions of chapter 455 or 475 by failing to complete a three-hour Ethics class and failing to attend one complete 2-day FREC meeting.

### Review and Consideration of the Real Estate Education Courses

**Tab B – Home Inspection Basics** – New Course (2 hours specialty, classroom) – application number 34813 – Kelly & Grant, PA

The applicant was present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course with conditions; Commissioner Sanchez seconded the motion. The motion passed without dissent.

**Tab A – Landlord Tenant Boot Camp (Live stream)** – New Course (3 hours Specialty, live stream) – application number 34141 – Orange Home Inspections

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

**Tab C – Understanding the Exclusive Right to Sale Listing Agreement (live stream)** – New Course (2 hours specialty, live stream) – application number 35185 – Realty and Insurance U, LLC.

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

**Tab D – Understanding the FAR/BAR Residential Contract for Sale and Purchase (live stream)** – New Course (3 hours specialty, live stream) – application number 35187 – Realty and Insurance U, LLC.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Sanchez seconded the motion. The motion passed without dissent.

### Special Agenda

Communication from Paolo Benigno Vallejo Flores

Executive Crawford presented applicant Paolo Benigno Vallejo Flores’ broker application and background experience. Ms. Flores appeared in support of the request and explained that real estate brokers in the Philippines have regulatory oversight. The Commission entered into discussion. Commissioner Fryer moved to accept the real estate experience from the Philippines as valid approve the real estate broker application; seconded by Commissioner Sanchez; the motion passed without dissent.
Communication from Darryl Ainsley Jenkins
Executive Crawford presented Applicant Darryl Ainsley Jenkins’ broker application and background experience. Mr. Jenkins appeared in support of the requests and explained that real estate agents in United Kingdom do not have regulatory oversight. After discussion, Commissioner Fryer moved to accept the real estate experience from the United Kingdom as being valid and approve the real estate broker application; seconded by Commissioner Hornsleth; the motion passed without dissent.

Communication from Michael Doll
Executive Director Crawford presented communication received from Michael Doll requesting a real estate broker license by mutual recognition. Mr. Doll was present in support of his request. After consideration and discussion, Commissioner Fryer moved to deny the request; seconded by Commissioner Schwartz; the motion passed without dissent.

Communication Received From Joanna Benoit
Executive Director Crawford presented communication from Ms. Benoit requesting the Commission reinstate her null and void real estate broker license based on a hardship. After review and consideration, the Commission denied the request.

General Session continued

Petition for Rule Variance or Waiver received from Albie Varoski – VW 2018-215
Executive Director Crawford presented a Petition for Rule Waiver from the Petitioner for the Commission’s review and consideration. Petitioner was not present. The Commission entered into discussion. Commissioner Sanchez moved; Commissioner Fryer seconded the motion to deny. The motion passed without dissent.

Reports
The following reports were presented to the Commission:

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

The staff addressed questions and comments from the Commission.

Rule Discussion

Rules Report
FREC Counsel Norr reported on the status of rules currently open for discussion, workshop or rulemaking and addressed any questions from the Commission.

Executive Director’s Comments
Ms. Crawford provided information relating to Commission travel. She also wished everyone safe and Happy Holidays and New Year.

Ms. Pomales reported that in the very future instructors will have the ability to add and delete instructors through their online account.

Chair’s Comments
Chair Fitzgerald thanked her fellow Commissioners for their dedication and for a job well done. Ms. Fitzgerald also thanked Division and Department staff for their incredible good work and
that the Commission appreciates all their efforts. Ms. Fitzgerald wished everyone a Happy Holiday Season and Happy New Year.

Public Comments

The Commission received comments from Linda Crawford of Dearborn.

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 1:37 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for January 15 and 16, 2019, in Orlando.

ATTEST:

Patricia Fitzgerald, Chair
Florida Real Estate Commission

Lori Crawford, Executive Director
Florida Real Estate Commission