Minutes of
THE FLORIDA REAL ESTATE COMMISSION
July 16 and 17, 2019
General Meeting

July 16, 2019
Chair Patricia Fitzgerald called the meeting of the Florida Real Estate Commission to order at approximately 8:30 a.m., in Orlando, Florida, on this Tuesday, the 16th day of July, 2019.

Commissioners
Chair Patricia Fitzgerald
Dick Fryer
Poul Hornsleth
Guy Sanchez
Randy Schwartz

Vice-Chair Patti Ketcham was excused and not present.

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

Staff
Lori Crawford, Executive Director
Al Cheneler, Chief Attorney
Janice Lugo, Operations Support Supervisor
Jonathan Pinder, Regulatory Specialist III
Givanna Corona, Regulatory Consultant
Thomas Jones, Administrative Assistant II
Kiani Walker, Administrative Assistant
Elisa Schneider, Intern
Dontrell Lemon, Intern
American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes
Commissioner Sanchez moved to approve the minutes of the June 18 and 19, 2019, general meeting as written; Commissioner Fryer seconded; the motion passed without dissent.

Summary of Applicants
Regulatory Consultant Giuvanna Corona presented 69 Summary of Applicants Agenda A requesting to sit for the real estate examination.

1. Tab BF – Leon Serdin, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

2. Tab AX – Dov Rachkauskas, present; Mr. Daniel Villazon, Esquire, present. Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

3. Tab BM – Joseph Tyler, present; Mr. Daniel Villazon, Esquire, present. Sales application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.

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4. Tab BA – Carlos Rodriguez, present; Mr. Daniel Villazon, Esquire, present. Sales associate application was denied; unanimous vote.

5. Tab BK – Christopher Stout, not present; Mr. Daniel Villazon, Esquire, present. Sales associate application continued; waived the 90-day requirement.

6. Tab B – Yenisley Acosta, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

7. Tab C – Linda Alcerro, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

8. Tab D – Teron Alston, present; Sales associate application approved; Commissioner Hornsleth /Commissioner Fryer; 4-1 vote.

9. Tab F – David Angelo, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

10. Tab G – Aisse Zoe Baradjii, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; 4-1 vote.

11. Tab H – Noel Barrientos, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; 4-1 vote.

12. Tab I – Jerome Biggins, present; Sales associate application was approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

13. Tab L – Michael Cabrera, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

14. Tab M – Marco Cartagenova, present; Sales associate application denied; Commissioner Hornsleth /Commissioner Schwartz; unanimous vote.

15. Tab N – Sharin Cooper, present; Sales associate application approved; Commissioner Hornsleth /Commissioner Fryer; unanimous vote.

16. Tab O – Dylan Davidson, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

17. Tab P – Vanessa England, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

18. Tab Q – Orga Espady, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

19. Tab R – Robert Evans, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 4-1 vote.

20. Tab S – Allan Feldman, present; Sales associate application approved denied; Commissioner Hornsleth /Commissioner Fryer; unanimous vote.

21. Tab U – Ana Figuered, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

22. Tab W – Josephine Franco, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.

23. Tab X – Bobby Friend, present; Sales associate application approved; Commissioner Hornsleth /Commissioner Fryer; unanimous vote.
24. Tab Y – Connie Fuentes, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

25. Tab Z – Rafael Garcia, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

26. Tab AB – Patrick Gilman, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 4-1 vote.

27. Tab AC – Patricia Gleason, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

28. Tab AF – Christopher Herrador, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

29. Tab AG – Adrian Langston, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 4-1 vote.

30. Tab AH – John Lare III, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; 3-2 vote.

31. Tab AL – Rafael Lopez De Victoria Gonzalez, present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

32. Tab AI – Sassy Lee Exum, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

33. Tab AJ – Thomas Levros, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

34. Tab AK – Wesley Lodyga, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

35. Tab AN – Nathaniel Miller, present; Sales associate application approved; Commissioner Sanchez/Commissioner Sanchez; unanimous vote.

36. Tab AP – Mayowa Odusanya, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 3-2 vote.

37. Tab AQ – Youssef Ouazzani Chahdi, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4-1 vote.

38. Tab AR – Matthew Pack, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

39. Tab AS – Irene Pardo, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

40. Tab AT – Penny Patrizi, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

41. Tab AU – Sergio Perez Castillo, present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

42. Tab AV – John Plumacher Melendez, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 3-2 vote.
43. Tab AW – Anastasia Poleon, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; 3-2 vote.

44. Tab AY – James William Ray, present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

45. Tab BD – Steven Sallo, present; Sales associate application denied; Commissioner Sanchez/Schwartz; 4-1 vote.

46. Tab BE – Victor Santiago, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

47. Tab BJ – Micheal Snelgrove, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

48. Tab BL – Isael Texidor, present; Sales associate application was withdrawn.

49. Tab BN – Noella Valencia, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

50. Tab BO – Jose Vazquez, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 4-1 vote.

51. Tab BP – Michael Wills, present; Sales associate application approved; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.

52. Tab BQ – Johnathan Zettle, present; Sales associate application approved; Commissioner Sanchez/Schwartz; unanimous vote.

53. Tab E – Cynthia Anavitarte Mazzini, present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

54. Tab AM – Adiel Lopez, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

55. Tab T – Christopher Ferrera, present; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

56. Tab BG – Teresa Sibore, present; Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

57. Tab A – Luis Alonzo, not present; Sales associate application continued; waived the 90-day requirement.

58. Tab J – Anthony Breitback, not present; Sales associate application continued; waived the 90-day requirement.

59. Tab K – Bradley Bird, not present; Sales associate application continued; waived the 90-day requirement.

60. Tab V – Jorge Franco, not present; Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; 4-1 vote.

61. Tab AA – Donald Gebhart, not present; Sales associate application was withdrawn.

62. Tab AD – Linet Gonzalez, not present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
63. Tab AE – Robert Grabowski, not present; Sales associate application continued; waived the 90-day requirement.

64. Tab AO – Jared Moussa, not present; Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

65. Tab AZ – Timothy Roberto, not present; Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

66. Tab BB – Nohelia Rodriguez, not present; Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

67. Tab BC – Evody Routier, not present; Sales associate application continued; waived the 90-day requirement.

68. Tab BH – Gurpreet Singh, not present; Sales associate application continued; waived the 90-day requirement.

69. Tab BI – Deborah Smith, not present; Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; 4-1 vote.

Consent Agenda A
The Commission considered 44 applicants from the Consent Agenda A; Commissioner Hornsleth moved; Commissioner Sanchez seconded the motion to approve 28 applicants and require 16 applicants to be placed on the Summary of Applicants Agenda; the motion passed without dissent.

The following applicants were approved:

<table>
<thead>
<tr>
<th>Anderson, Alena</th>
<th>Gregory, Gene F. Jr.</th>
<th>Presha, Anna</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asencio, Stephen</td>
<td>Harris, Yolanda</td>
<td>Saphire, Jason</td>
</tr>
<tr>
<td>Bennett, Anerone</td>
<td>Harrison, Tekel</td>
<td>Seraphin, Eliza</td>
</tr>
<tr>
<td>Bienne, Smider Jr.</td>
<td>Horvath, Richard</td>
<td>Smith, James</td>
</tr>
<tr>
<td>Castro Mata, Wendy</td>
<td>Hones, Adrienne</td>
<td>Sullivan, Lindsee</td>
</tr>
<tr>
<td>Correa, Gilma</td>
<td>Joseph, Natasha</td>
<td>Thompson, Raymond IV</td>
</tr>
<tr>
<td>Cox, Adriana</td>
<td>Manguard, Eddie</td>
<td>Tuttle, Brian</td>
</tr>
<tr>
<td>Felton, Joseph</td>
<td>Miller, Adrian</td>
<td>Walker, Oceana</td>
</tr>
<tr>
<td>Freyre, Robert</td>
<td>Ochoa, Jennifer</td>
<td></td>
</tr>
<tr>
<td>Gaitor, Dorothy</td>
<td>Okubo, Takeshi</td>
<td></td>
</tr>
</tbody>
</table>

The following applicants will be placed on the next available Summary of Applicants Agenda:

<table>
<thead>
<tr>
<th>Alvarez, Vania</th>
<th>Godoy, Varinia</th>
<th>Swift, Latonya</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bengzel, Tyler</td>
<td>Knepp, Courtney</td>
<td>Tompkins, Joshua</td>
</tr>
<tr>
<td>Bowe, Joshua</td>
<td>McEntire, David</td>
<td>Williams, Michael</td>
</tr>
<tr>
<td>Briggs, Michael</td>
<td>Otic, Carl</td>
<td>Wynn, Kiera</td>
</tr>
<tr>
<td>Charles, Christian</td>
<td>Sanchez, Rinna</td>
<td></td>
</tr>
<tr>
<td>Delargy, Tracey</td>
<td>Stanley, Lamesha</td>
<td></td>
</tr>
</tbody>
</table>

Consent Agenda B
The Commission considered 20 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Sanchez to approve 16 applicants and require 4 applicants to be placed on the Summary of Applicants Agenda; the motion passed without dissent.

The following applicants were approved:

<table>
<thead>
<tr>
<th>Atkerson, Amanda</th>
<th>Comfort, Janet</th>
<th>Houston, Michael</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banks, Travis</td>
<td>Correa, Brian</td>
<td>Leonard, Johnette</td>
</tr>
</tbody>
</table>
Mills, Christopher Jr.  Sanchez, Christian  Torres, Isaac  
Panek, Bradley  Smith, Lauren  Valencia, John  
Reyes, Richard  Spedding, Eric  
Rubio, Jennifer  Stefano Cuello, Kara  

The following applicants will be placed on the next available Summary of Applicants Agenda:

Avery Andrade, Sherry  Tuescher, Stacy  Vario, Jennifer  
Myricks, Kathryn  

Public Comments
The Commission offered but did not receive any comments.

Recess
There being no objection, the Chair recessed the meeting at approximately 3:21 p.m. until 8:30 a.m. tomorrow.

July 17, 2019
Chair Fitzgerald reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this Wednesday, 17th day of July, 2019.

Commissioners
Chair Patricia Fitzgerald  
Dick Fryer  
Poul Hornsleth  
Guy Sanchez  
Randy Schwartz  

Vice-Chair Patti Ketcham was excused and not present.  

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

Staff
Lori Crawford, Executive Director  
Al Cheneler, Chief Attorney  
James Fortunas, Deputy Chief Attorney (via video conference)  
David Aring, Senior Attorney (via video conference)  
Merrabeth Bohanan, Senior Attorney  
Roger Maas, Senior Attorney (via video conference)  
Mackenzie Medich, Senior Attorney (via video conference)  
Alexa Elder, Legal Intern (via video conference)  
Jocelyn Pomales, Education Coordinator  
Giovanna Corona, Regulatory Consultant  
Thomas Jones, Administrative Assistant II  
Elisa Schneider, Intern  
Dontrell Lemon, Intern  
American Court Reporting, Inc. (407) 896-1813 provided court services.

Escrow Disbursement Orders – Agenda  
Ms. Alexa Elder, legal intern, presented 7 Escrow Disbursement Orders.  

Commissioner Fryer moved to approve Tabs A, C, D, E and F of the Escrow Disbursement Orders, seconded by Commissioner Sanchez; the motion passed without dissent.
Commissioner Fryer moved to approve Tab B of the Escrow Disbursement Orders, seconded by Commissioner Schwartz; the motion passed without dissent. Chair Fitzgerald was recused.

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

**Recovery Fund Claim**
The Commission addressed the Recovery Fund Claim Docket, hearing 1 docket item with the following results:

**Tab B – Luis v. Quidato, DBPR Case No. 2019014523**

Mr. Fortunas presented the above matter to the Commission. Neither the Licensee nor the Claimant was present. Mr. Fortunas advised the Claimant statutorily qualifies to receive payment from the recovery fund. Commissioner Schwartz moved to approve a Final Order Granting Recovery Fund Claim, Commissioner Fryer seconded. The motion carried without dissent.

**Legal Appearance Docket**
The Commission addressed the Legal Appearance Docket, hearing 21 docket items with the following results:

**Tab B – Equity & Trust Realty, INC., CQ 1049720, Case No. 2019012060 – Respondent’s Request for Informal Hearing**

The Respondent was present and represented by counsel, Mr. John Trawick, Esquire, present. Probable cause was waived.

Mr. Aring represented the Department. After discussion Commissioner Sanchez moved; seconded by Commissioner Fryer to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Schwartz; the motion passed 4-1 to impose the following sanctions:

**Action Taken:** Administrative fine of $2,000.00; investigative costs of $99.00; probation for 12 months. **Violation(s):** 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 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; Section 475.25(1)(e), Florida Statutes, through a violation of Rule 61J2-14.012, Florida Administrative Code, by failing to provide Petitioner with proper reconciliation statements; by transferring funds from the security deposit trust account to the operating account without proper authorization; and by failing to adequately correct the security deposit trust account shortage and the improper reconciliation statements within 30 days from the audit the Petitioner conducted on March 6, 2019.

**Tab H – Eric J. Musch, BK 3203509, Case No. 2019012056 – Respondent’s Request for Informal Hearing**

The Respondent was present and represented by counsel, Mr. John Trawick, Esquire, present. Probable cause was waived.

Mr. Aring represented the Department. After discussion Commissioner Hornsleth moved; seconded by Commissioner Schwartz to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fryer; the motion passed without dissent to impose the following sanctions:
Action Taken: Suspension for 12 months, administrative fine of $2,000.00; investigative costs of $132.00; probation for 12 months. Violation(s): 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 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; Section 475.25(1)(e), Florida Statutes, through a violation of Rule 61J2-14.012, Florida Administrative Code, by failing to provide Petitioner with proper reconciliation statements; by transferring funds from the security deposit trust account to the operating account without proper authorization; and by failing to adequately correct the security deposit trust account shortage and the improper reconciliation statements within 30 days from the audit the Petitioner conducted on March 6, 2019.

Tab I – Mario Rodriguez, BK 630149, Case No. 2017027144 – Respondent’s Request for Informal Hearing

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

Ms. Medich represented the Department. After discussion Commissioner Sanchez moved; seconded by Commissioner Fryer to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Sanchez moved; seconded by Commissioner Schwartz; the motion passed 3-2 to impose the following sanctions:

Action Taken: Revocation; investigative costs of $173.25. Violation(s): Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC.

Tab J – Mario Rodriguez, BK 630149, Case No. 2018029871 – Respondent’s Request for Informal Hearing

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

Ms. Medich represented the Department. After discussion Commissioner Sanchez moved; seconded by Commissioner Schwartz to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Sanchez moved; seconded by Commissioner Schwartz; the motion passed 4-1 to impose the following sanctions:

Action Taken: Revocation; administrative fine of $5,000.00; investigative costs of $1,138.50. Violation(s): Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC.

Tab L – Lori Ann Kujawa Rubinstein, SL 3027488, Case No. 2018048970 – Settlement Stipulation

The Respondent was not present and represented by counsel, Ms. Nancy Campiglia, Esquire, present. Commissioner Schwartz served on the probable cause panel and was recused.

Ms. Bohanan represented the Department. After discussion Commissioner Fryer moved to deny the Settlement agreement; seconded by Commissioner Sanchez. The motion passed without dissent.

Action Taken: The settlement agreement was denied.

Tab N – David Arden Rubinstein, SL 3168456, Case No. 2018044539 – Settlement Stipulation

The Respondent was present and represented by counsel, Ms. Nancy Campiglia, Esquire, present. Commissioner Schwartz served on the probable cause panel and was recused.

Action Taken: Case was continued.
Tab M – Jovanny Roque, BK 3290978, Case No. 2018026763 – Settlement Stipulation
The Respondent was not present and represented by counsel, Ms. Nancy Campiglia, Esquire, present. Vice-Chair Ketcham served on the probable cause panel. Commissioner Hornsleth recused himself from participation in this matter.

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

Action Taken: Administrative fine of $500.00; investigative costs of $145.20; probation for 6 months; 1 complete FREC meeting. Violation(s): Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(k), Florida Statutes, by failing to perform any statutory or legal obligation placed upon a licensee.

Tab S – Douglas Fleishman, SL 364396, Case No. 2017048373 – Motion for Finding of Waiver and Entry of Final Order
The Respondent was present and represented by counsel, Mr. Bruce Kamelhair, Esquire, present. Vice-Chair Ketcham served on the probable cause panel.

Ms. Bohanan represented the Department. The Commission granted the waiver hearing. After discussion Commissioner Sanchez moved; seconded by Commissioner Fryer to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Schwartz; the motion passed with a 3 to 2 vote to impose the following sanctions:

Action Taken: Administrative fine $750.00; investigative costs of $16.50; probation for 6 months; 2 complete FREC meetings. Violation(s): 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.

Tab E – Anne Maxine Hodges, SL 3327161, Case No. 2018019113 – Motion for Finding of Waiver and Entry of Final Order
The Respondent was present and not represented by counsel. Commissioner Sanchez served on the probable cause panel and was recused.

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

Action Taken: Investigative costs of $330.00; probation for 6 months; 1 complete FREC meeting. Violation(s): Sections 475.25(1)(b), 475.42(1)(b) and (d), Florida Statutes, when Respondent failed to forward receipts for repairs included in invoices as requested by the Owner and failed to realize all of the repairs included in the invoices.

Tab V – Joseph Vidal Lopez, SL 3330267; Case No. 2018010046 – Motion for Finding of Waiver and Entry of Final Order
The Respondent was present and not represented by counsel. Commissioner Fryer served on the probable cause panel and was recused.

Ms. Medich represented the Department. The Commission granted the 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 Hornsleth moved; seconded by Commissioner Schwartz; the motion passed 3-1 to impose the following sanctions:

**Action Taken:** Suspension for 30 days; investigative costs of $199.65; probation for 6 months; 2 complete FREC meetings. **Violation(s):** Section 475.25(1)(a), Florida Statutes, through a violation of Section 455.227(1)(c), Florida Statutes, by pleading guilty to illegal possession of cocaine, a felony, and possession of marijuana and drug paraphernalia, drug related misdemeanors, and which relates to the ability to competently practice as a licensed real estate professional; Section 475.25(1)(n), Florida Statutes, by violating terms of drug probation imposed and being re-confined post-conviction for a VOP conviction.

**Tab C – Ridley Harding Jr., BK 3256664, Case No. 2018036447 – Respondent’s Request for Informal Hearing**

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

Ms. Medich represented the Department. After discussion Commissioner Sanchez moved; seconded by Commissioner Fryer to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Sanchez moved; seconded by Commissioner Fryer; the motion passed 4-1 to impose the following sanctions:

**Action Taken:** Administrative fine of $250.00; investigative costs of $206.25; probation for 3 months; 1 complete FREC meeting. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC.

**Tab A – Nerstha Damier, SL 3268480, Case No. 2017022243 – Respondent’s Request for Informal Hearing**

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

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

**Action Taken:** Suspension for 5 years; administrative fine of $4,000.00; investigative costs of $437.25; 28-hour reactivation course; probation for 5 years; 2 complete FREC meetings. **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 455.227(1)(m), Florida Statutes, by making untrue statements in or related to the practice of a profession; Section 475.42(1)(b), Florida Statutes, a person licensed as a sales associate may not act as a broker or a sales associate for any person not registered as his employer; Section 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 rules of the department or the board.

**Tab D – Mark Quentin Hartle, Jr., SL 683217, Case No. 2017021610 – Respondent’s Request for Informal Hearing**

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

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

**Action Taken:** Revocation; investigative costs of $264.00. **Violation(s):** Section 475.25(1)(p), Florida Statutes, by failing to timely inform the Commission of nolo contendere to felony Assault with a Deadly Weapon; 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 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)(a), Florida Statutes, through a violation of Section 455.227(1)(c), Florida Statutes, by being convicted or found guilty of, or entering a plea of guilty or no contest to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

**Tab K – Jeffrey S. Alexander, BK 3005436, Case No. 2017009131 – Settlement Stipulation**

The Respondent was not present and not represented by counsel. No current members served on the probable cause panel.

Ms. Bohanan represented the Department. After discussion Commissioner Fryer moved to deny the Settlement agreement; seconded by Commissioner Sanchez. The motion passed without dissent.

**Action Taken:** The settlement agreement was denied.

**Tab O – Michael Vizcaino, SL 3404629, Case No. 2018013037 – Respondent’s Request for Informal Hearing**

**Action Taken:** Case was continued.

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

**Tab P – Ornella Borsieri; SL 3345796; Case No. 2018036354**
**Tab Q – Tracy Lee Woods; SL 3286840; Case No. 2018047373**

**Tab R – Lauren Daily, SL 3345796, Case No. 2018036354 – Motion for Waiver of Rights and Entry of Final Order**

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

Ms. Medich represented the Department. The Commission granted the waiver hearing. 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; administrative fine of $1,000.00; investigative costs of $363.00. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC.

**Tab T – Armando V. Galban, BK 411404; Case No. 2018002486 – Motion for Finding of Waiver and Entry of Final Order**

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

Ms. Bohanan represented the Department. The Commission granted the waiver hearing. After discussion Commissioner Sanchez moved; seconded by Commissioner 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:

**Action Taken:** Revocation; administrative fine of $7,500.00; investigative costs of $241.56.

**Violation(s):** Section 475.25(1)(b), Florida Statutes, by being guilty of dishonest dealings, culpable negligence or breach of trust, or has formed an intent, design or scheme to engage in any such misconduct and committed an overt act in furtherance of such intent, design or scheme; Section 475.25(1)(d)1, Florida Statutes, by failing to account or deliver to any person, including a license under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon a demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check, draft, abstract title, mortgage, conveyances, lease or other document or things of value; Section 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 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 U – Susana Leon, SL 3164154; Case No. 2018027033 – Motion for Finding of Waiver and Entry of Final Order**

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

Ms. Bohanan represented the Department. The Commission granted the waiver hearing. After discussion Commissioner Sanchez moved; seconded by Commissioner 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:

**Action Taken:** Revocation; administrative fine of $2,500.00; investigative costs of $330.00.

**Violation(s):** Section 475.25(1)(b), guilty of fraud, misrepresentation, concealment, false promises, false pretenses, 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 of a listing contract, written, oral, express, or implied, in a real estate transaction; has aided, assisted, or conspired with any other person engaged in any such misconduct and in furtherance thereof; 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. It is immaterial to the guilt of the licensee that the victim or intended victim of the misconduct has sustained no damage or loss; that the damage or loss has been settled and paid after discovery of the misconduct; or that such victim or intended victim was a customer or a person in confidential relation with the licensee or was an identified member of the general public.

**Tab W – Anthony Marottoli, BK 3006823; Case No. 2018001629 – Motion for Finding of Waiver and Entry of Final Order**

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

Mr. Aring represented the Department. The Commission granted the waiver hearing. After discussion Commissioner 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; administrative fine of $3,500.00; investigative costs of $785.40.  
**Violation(s):** Section 475.25(1)(b), Florida Statutes, by being guilty of dishonest dealings, culpable negligence or breach of trust, or has formed an intent, design or scheme to engage in any such misconduct and committed an overt act in furtherance of such intent, design or scheme; Section 475.25(1)(d)1, Florida Statutes, by failing to account or deliver to any person, including a license under this chapter, at the time which has been agreed upon or is required by law or, in the absence of a fixed time, upon a demand of the person entitled to such accounting and delivery, any personal property such as money, fund, deposit, check, draft, abstract of title, mortgage, conveyances, lease or other document or things of value.

**Reports**  
The following reports were presented to the Commission:

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

Executive Director Crawford addressed questions and comments from the Commission.

**FREC – Petitions**  
**Petition for Declaratory Statement – Joy P. Ewertz, Esquire – DS 2019-040**

The petitioner was present. After discussion, Commissioner Fryer moved; seconded by Commissioner Sanchez; to issue a Final Order Granting the Declaratory Statement. The Commission answered both questions in the negative, in that graduation from the Florida State University College of Law, admission to the Florida Bar, and active practice in the area of real estate do not meet the requirements of Sections 475.17(2)(a) and (b), Florida Statutes and Rule 61J2-3.008(2)(a) and 3.012, Florida Administrative Code. The motion passed without dissent.

**Petition for Variance/Waiver – Scott Sutherland – VW 2019-119**

The Petitioner was not present. After discussion Commissioner Fryer moved; seconded by Commissioner Sanchez; to deny the waiver. The motion passed without dissent.

**DOAH Recommended Orders - Applicant**  
**Darryl Maurice Young vs. Florida Real Estate Commission; DOAH Case No. 19-0971 – Recommended Order of Denial**

FREC Counsel Lawrence Harris, Esq., presented the Recommended Order of Denial. The Respondent was present and not represented by counsel. After discussion, Commissioner Schwartz moved to adopt the Recommended Order of Denial; seconded by Commissioner Fryer; the motion passed without dissent.

**Milain David Fayulu vs. Florida Real Estate Commission; DOAH Case No. 19-0509 – Recommended Order of Approval**

FREC Counsel Lawrence Harris, Esq., presented the Recommended Order of Approval. The Respondent was present and not represented by counsel. After discussion, Commissioner Schwartz moved to adopt the Conclusions of Law as amended by the Exceptions and the recommendation of the Administrative Law Judge; seconded by Commissioner Hornslieth; the motion passed with a 4-1 vote.
Review and Consideration of the Real Estate Education Courses
Ms. Pomales presented 19 Real Estate Education Courses for the Commission’s review and consideration.

Tab H – 18-hr Prelicense Community Association Manager Course – New Course (11 hours (per certificate) specialty, livestream) – application number 36314 – Property Management Consulting

The applicant was present in support of the application. Commissioner Fryer moved to approve the course for 8 hours; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab I – 18-hr Prelicense Community Association Manager Course – New Course (11 hours (per certificate) specialty, classroom) – application number 36315 – Property Management Consulting

The applicant was present in support of the application. Commissioner Fryer moved to approve the course for 8 hours; Commissioner Sanchez seconded the motion. The motion passed without dissent.

Tab A – Cyber Security Awareness – New Course (2 hours specialty and post licensing, classroom) – application number 35858 – CATIC

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

Tab B – Emerging Market Trends: What to Know Now – New Course (2 hours specialty, Sales and Broker Post Licensure, classroom) – application number 36672 – CATIC

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

Tab C – 1031 Tax – Deferred Exchanges – New Course (2 hour, classroom) – application number 36673 – CATIC

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

Tab D – Rebuilding the American Dream – New Course (3 hour specialty, classroom) – application number 36851 – Darryl Davis Seminars

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

Tab E – Getting Listings Sold – New Course (3 hour specialty, classroom) – application number 36852 – Darryl Davis Seminars

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

Tab F – Short-Term Rental Management – New Course (10 hours combination law, specialty and business ethics, sales and broker post licensure, classroom) – application number 36861 – Elderxl

The applicant was not present in support of the application. Commissioner Fryer moved to approve the course for 8 hours specialty only; Commissioner Schwartz seconded the motion. The motion passed without dissent.
The applicant was not present in support of the application. Commissioner Fryer moved to deny the course; Commissioner Sanchez seconded the motion. The motion passed without dissent.

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

The applicant was not present in support of the application. Commissioner Fryer moved to approve the course for 3 hours; Commissioner Sanchez seconded the motion. The motion passed without dissent.

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

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

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

The applicant was not present in support of the application. Commissioner Fryer moved to approve the course; Commissioner Schwartz seconded the motion. The motion passed 4-1.
Tab R – Tiny Homes and Other Alternative Properties – New Course (5 hours specialty, distance) – application number 36753 – Webce Inc.

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

Tab S – Realtor Safety and Title Nightmares – New Course (2 hours specialty and sales post licensure, classroom) – application number 36715 – Woods, Weidenmiller, Michetti, Rudnick & Galbraith, PLLC

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

Special Agenda
Broker Syllabus Final Update Approval
Executive Director Crawford presented the Broker Syllabus Final Update for Approval. After discussion, Commissioner Fryer moved to approve the Broker Syllabus as amended; seconded by Commissioner Sanchez; the motion passed without dissent.

Rule Discussion
Mr. Harris requested the Commission to open Rule 61J2-3.008, Florida Administrative Code, for development. Commissioner Fryer moved to open the rule for development; Commissioner Hornsleth seconded; the motion passed without dissent.

Upon inquiry from Mr. Harris, the Commission unanimously voted that the proposed rule amendments would have no adverse impact on small businesses that would require a Statement of Regulatory Costs; nor would there be an increase of costs to any entity in excess of $1 million dollars over 5 years; and that a violation of this rule or any part of this rule would not be resolved by a notice of non-compliance.

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

61J2 Rule Review for Annual Regulatory Plan – Chapter 61J2
61J2 Rule Review for Annual Regulatory Plan was continued to the August 2019 Special Agenda.

2019 Renewal of Delegation of Authority to the Executive Director and Commission Counsel
Executive Director Crawford presented the 2019 Renewal of Delegation of Authority to the Executive Director and Commission Counsel. After discussion, Commissioner Hornsleth moved to adopt the 2019 Renewal of Delegation of Authority; seconded by Commissioner Fryer. The motion passed without dissent.

Executive Director’s Comments
Executive Director Crawford addressed questions and comments from the Commission.

Chair’s Comments
Chair Fitzgerald thanked the Commission and Division staff for a great meeting.

Public Comments
The Commission received comments from members of the audience.
Adjournment
There being no other business, the Chair adjourned the meeting at approximately 2:44 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for August 20 and 21, 2019, in Orlando.

ATTEST:

Patricia Fitzgerald, Chair
Florida Real Estate Commission

Lori Crawford, Executive Director
Florida Real Estate Commission