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

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

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

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

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

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

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

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

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

Tab A – Renovation Financing Understanding the Basics (PowerPoint) – New Course (3 hours specialty,
classroom) – application number 41796 – Academy Mortgage Corporation
The applicant was not present in support of the application. Vice-Chair Fryer moved to approve the course with conditions; Commissioner Fitzgerald seconded the motion. The motion passed without dissent.

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

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

**FREC-Petitions**

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

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

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

**Special Agenda A**

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

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

**Summary of Applicants**

**Agenda A**

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

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<tr>
<td>A</td>
<td>Alion, Bradley Joseph*</td>
<td>Yes/Phone</td>
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<td>B</td>
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<td>G</td>
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<td>M</td>
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Minutes May 19, 2020
Prepared by G. Corona
| N | Lafaurie, Jean Philippe | Yes/Web | | Denied | 4-2 |
| O | Luttich, Rodolfo | Yes/Web | | Approved | Unanimous |
| P | Martinez, Richard | Yes/Web | | Approved | Unanimous |
| Q | Prendergast, Cornell Javon | Yes/Web | | Approved | Unanimous |
| R | Reinsch, Makenzie | No | | Denied | 4-2 |
| S | Rodgers, Stacy Burgos | Yes/Web | | Approved | Unanimous |
| T | Ruhl, Charles A Jr | Yes/Web | Daniel Villazon, Esq | Yes/Web | Approved | Unanimous |
| U | Rutland, John | Yes/Web | | Approved | Unanimous |
| V | Saintine, Nathaniel Irwin | Yes/Phone | | Approved | Unanimous |
| W | Shedeck, Heidi Lynn | Yes/Web | | Approved | Unanimous |
| X | Wiggins, Ethelyn A | Yes/Phone | | Withdrawn | |

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

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

**Chair’s Comments**
Chair Ketcham thanked the Commission and Division staff for a remarkable meeting.

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

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

**ATTEST:**

Patricia “Patti” Ketcham, Chair  
Florida Real Estate Commission  

Robin Rogers, Executive Director  
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Minutes May 19, 2020
Prepared by G. Corona
STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
FLORIDA REAL ESTATE COMMISSION

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

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

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

Subparagraph 475.17(2)(a)1., Florida Statutes, directs that any
person wishing to be licensed as a real estate sales associate in
Florida must take a Pre-Licensure Education Course, with passage of
an examination serving as the basis for determination of passage of
the course. Subparagraphs 475.17(2)(a)1. and 475.17(4)(a), F.S.,
establish parallel requirements for real estate brokers. Finally,
subparagraphs 475.17(3)(a) and (b), F.S., compel the completion of
a Post-Licensure Education Course as a prerequisite to initial renewal
of a license; failure to complete the course in specified time periods
renders the license null & void. These statutory provisions are fully implemented by Rules 61J2-3.008 and 61J2-3.020, Florida Administrative Code.

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

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

Paragraphs and subparagraphs 475.17(2)(a)3., (5)(a), and (c)2., F.S., authorize the Commission to make specific exemptions from the examination requirements in cases of hardship, and invite the Commission to enact rules defining such hardships. Accordingly, the
Commission finds the Florida Legislature clearly contemplated that hardship situations would exist, and that the Commission should be authorized to address those situations for the benefit of licensees and candidates for real estate licensure. Such hardships for an individual would certainly include exactly the situation that now exists for the majority of Florida’s citizens due to the national COVID-19 pandemic.

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

ORDERED and ADJUDGED that:

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

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

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

DONE and ORDERED this 22 day of May, 2020.

FLORIDA REAL ESTATE COMMISSION

Katy McGinnis
Director, Division of Real Estate
on behalf of Patti E. Ketcham, Chair
PEARSON VUE PUBLIC COMMENT

Dorimar Bonilla Espada – Applicant

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

Kenneth Sidler

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

Karen Klimer

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

Tracy Dubensky

Hello, I have attempted to schedule my RE Sales Associate exam from Pearsonvue. I have checked over 12 testing centers across 3 different states in order to schedule the exam. Customer Service has not been helpful. Most recently I checked with the testing
center at Florida College of the Keys. Their response was the center is closed and they don't have a reopen date.

**Linda Crawford – in regards to Waiver**

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

This is Linda Crawford. I would like to suggest that the following questions be directed to Pearson Vue. (1) Will they agree to open extra hours immediately (2) can applicants who have a time limit to sit for their state exam be given first priority for an appointment?
| A  | Lafaurie, Jean Philippe | Yes/Web  |  |  | Denied | 4-2  |
|----|-------------------------|---------|  |  |       |      |
| B  | Luttich, Rodolfo       | Yes/Web |  |  | Approved | Unanimous |
| C  | Martínez, Richard      | Yes/Web |  |  | Approved | Unanimous |
| D  | Prendergast, Cornell Javon | Yes/Web |  |  | Approved | Unanimous |
| E  | Reinsch, Makenzie      | No      |  |  | Denied | 4-2  |
| F  | Rodgers, Stacy Burgos  | Yes/Web |  |  | Approved | Unanimous |
| G  | Ruhl, Charles A Jr     | Yes/Web | Daniel Villazon, Esq | Yes/Web | Approved | Unanimous |
| H  | Rutland, John          | Yes/Web |  |  | Approved | Unanimous |
| I  | Saintine, Nathaniel Irwin | Yes/Phone |  |  | Approved | Unanimous |
| J  | Shedeck, Heidi Lynn    | Yes/Web |  |  | Approved | Unanimous |
| K  | Wiggins, Ethelyn A     | Yes/Phone |  |  | Withdrawn |  

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

**Executive Director’s Comments**

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

**Chair’s Comments**

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

**Public Comments**

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

**Adjournment**

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

**ATTEST:**

[Signatures]

Patricia “Patti” Ketcham, Chair  
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Robin Rogers, Executive Director  
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