

Julie I. Brown, Secretary

Ron DeSantis, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
November 16, 2021
Hybrid Meeting**

November 16, 2021

Chair Randy Schwartz called the meeting of the Florida Real Estate Commission to order at approximately 8:30 a.m., via Hybrid, on this Tuesday, the 16th day of November 2021.

Commissioners

Chair Randy Schwartz – in person
Vice-Chair Patricia “Pat” Fitzgerald – excused absence
Patricia “Patti” Ketcham – in person
Renee Butler – via Live-Stream
Richard Barbara – via Live-Stream
Richard “Dick” Fryer – excused absence

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

Staff

Giuvanna Corona, Executive Director – in person
Al Cheneler, Chief Attorney – in person
Emy Orellana, Regulatory Consultant – in person
Tobechi “Charles” Bob-Duru, Regulatory Specialist III – in person
Jocelyn Pomales, Education Coordinator – in person
Janice Lugo, Operations Support Supervisor – via Live-Stream
Linda Doolittle, Regulatory Consultant – in person
Damon Boodram, Operation Review Specialist – in person
Heather Page, Assistant General Counsel Attorney – in person
Katie Pareja, Assistant General Counsel Attorney – in person

Education Agenda

Giuvanna Corona, Executive Director, presented 10 Real Estate Education Courses for the Commission’s review and consideration.

Tab A – E-PRO Certification Program – New Course (8 hours Specialty, Distance) – application number 51589 – CE Shop, LLC

The applicant was not present in support of the application. After discussion, Commissioner Ketcham moved to approve the course; seconded by Commissioner Butler. The motion passed without dissent.

Tab B – 60 Hour Broker Post Licensing Course – New Course (60 hours Broker Post, Distance) – application number 52258 – Compass Real Estate Academy

The applicant was not present in support of the application. After discussion, Commissioner Ketcham moved to deny the course; seconded by Commissioner Butler. The motion passed without dissent.

Tab C – Accredited Luxury Home Specialist (ALHS) – New Course (8 hours Specialty, Classroom) – application number 51612 – Luxury Home Council Inc DBA Luxury Home Council

The applicant was not present in support of the application. After discussion, Commissioner Ketcham moved to approve the course with pending conditions; seconded by Commissioner Barbara. The motion passed without dissent.

Tab D – What Real Estate Professionals Need to Know About Credit Scores – New Course (2 hours Specialty, Classroom) – application number 50872 – Preferred Systems Inc

The applicant was not present in support of the application. After discussion, Commissioner Ketcham moved to approve the course with conditions; seconded by Commissioner Butler. The motion passed without dissent.

Tab E – Identify Theft and Real Estate Transactions – New Course (2 hours Specialty, Classroom) – application number 50875 – Preferred Systems Inc

The applicant was not present in support of the application. After discussion, Commissioner Ketcham moved to approve the course with conditions; seconded by Commissioner Butler. The motion passed without dissent.

Tab F – Probate of Real Estate for U.S. and Non U.S. Citizens – New Course (2 hours specialty, Classroom) – application number 46255 – Don Gonzalez PA

The applicant was not present in support of the application. After discussion, Commissioner Ketcham moved to approve the course with conditions; seconded by Commissioner Butler. The motion passed without dissent.

Tab G – Probate of Real Estate for U.S. and Non U.S. Citizens – New Course (2 hours specialty, Classroom) – application number 46255 – Don Gonzalez PA

The applicant was not present in support of the application. After discussion, Commissioner Ketcham moved to approve the course with conditions; seconded by Commissioner Butler. The motion passed without dissent.

Tab H – Probate of Real Estate for U.S. and Non U.S. Citizens – New Course (2 hours specialty, Classroom) – application number 46255 – Don Gonzalez PA

The applicant was not present in support of the application. After discussion, Commissioner Ketcham moved to approve the course with conditions; seconded by Commissioner Butler. The motion passed without dissent.

Tab I – Teaching Techniques for Florida Real Estate Instructors – New Course (4 hour Teaching Techniques, Distance) – application number 45699 – Sawgrass Learning Solutions, LLC

The applicant was present in support of the application. After discussion, Commissioner Ketcham moved to approve the course with conditions; seconded by Commissioner Barbara. The motion passed without dissent.

Tab J – Teaching Techniques for Florida Real Estate Instructors – New Course (4 hour Teaching Techniques, Distance) – application number 45699 – Sawgrass Learning Solutions, LLC

The applicant was present in support of the application. After discussion, Commissioner Ketcham moved to approve the course with conditions; seconded by Commissioner Barbara. The motion passed without dissent.

Special Agenda

Tab A – Request for Exemption of the Instructor Examination – John A. Luiszer

The petitioner was present and was not represented by counsel. After discussion, Chair Schwartz moved to conditionally approve the motion pending receipt of transcript; seconded by Commissioner Ketcham; the motion passed without dissent.

Tab B – Certificate of Completion Extension Request – 2nd Request – Princess Wilson

The petitioner was present and was not represented by counsel. After discussion, Commissioner Ketcham moved to uphold the motion for denial; seconded by Commissioner Butler; the motion passed without dissent.

Consent Agenda A

The Commission considered 65 applicants from the Consent Agenda A; Commissioner Ketcham moved; Commissioner Butler seconded the motion to approve 52 applicants and require 13 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Andino, Evelin Gabriela	Gomez Fernandez, Juan Jose	Sanchez, Olga
Arriaga, Gianni	Gomez Navarro, Kamalys	Searcy, Stacy
Bailey, Joshua	Greinke, Luke Jacob	Smith, Amber Nicole
Bannick, Ashley Nicole	Harloff, Michael David	Smith, Antonio Lakever
Bates, Damon	Harris Mitchell, Carrie Annette	Strano, Steven
Beolet, Christina Ann	Hess, Jason	Subirat, Rose
Billero, John George	Hudson, Cheryl Ann	Tapia, Jorge
Cahill, Sean	Kalinovskiy, Dinah	Torres, Ceasar
Castano, Christian	Lobban, Dexton	Torres, Gianni Marie
Castillo, Quincy	Mcclain, Sean M	Vasquez Hernandez, Arquel
Cotton, Felicia Elizabeth	Mcree, Bianca Tina	
Cox, Abbigail	Medina, Marcy Louise Larios	
Cundiff, Abigail Marie	Mejia Collazo, Mitchell	
Cunningham, Ashton	Nelson, Dantravious	
Davis, Monica	Ortiz, Maria	
Debiasi, Marcelo	Padilla, Angela	
Deleonardis, Rocco	Parker, Jeremy	
Demcovitz, Phillip	Patel, Nishil	
Duvall, Lauren	Pena, Kevin	
Fisher, Byron Avery	Rooks, Lawrence	
Giraldo, Carlo Francesco	Rosado, Antonio	

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

Deguzman, Macario Aguilar	Pelletier, Andrew Justin
Dejesus-Laguna, Jesus	Strokes, Lance
Drumgool, Nicole Hannah	Vose, Andrew Michael
Fennell, Ashley N	Younger, Jacob Eugene
Francis, Tenisha N	
Landau, Steven	
Lockhart, Keelyn Ky	
Naumiuk, Luke	
Noble, Atiya	

Summary of Applicants

Agenda A

Giuvanna Corona, Executive Director, presented 40 Applicants requesting to sit for the real estate examination. Results are as follows:

TAB	NAME	PRESENT	MOVED by COMMISSIONER	SECONDED by COMMISSIONER	VOTE	COUNT
A	Dewitt, David Aaron Daniel Villazon, Esq.	Yes Yes	Commissioner Ketcham moved; seconded by Commissioner Barbara, to vacate the Notice of Intent to Deny and approve the application. The motion passed unanimously.			
B	Jean Pierre, Edna	Yes	Commissioner Ketcham moved; seconded by Commissioner Barbara, to uphold the Notice of Intent to Deny and deny the application. The motion passed unanimously.			
C	Luft, Carrie Lynn	No	Rescheduled and waived the 90-days.			
D	Mccray, Brandon Glennard	Yes	Commissioner Barbara moved; seconded by Commissioner Ketcham, to vacate the Notice of Intent to Deny and approve the application. The motion passed with a 3-1 vote.			
E	Williams, Mario Rashad	Yes	Commissioner Ketcham moved; seconded by Commissioner Butler, to uphold the Notice of Intent to Deny and deny the application. The motion passed with a 3-1 vote.			
F	Younce, Danielle Nichole	Yes	Commissioner moved; seconded by Commissioner, to vacate the Notice of Intent to Deny and approve the application. The motion passed with a 3-1 vote.			
G	Abukhdeir, Ibrahem	No	Rescheduled and waived the 90-days.			
H	Angeloni, Mark Adam	Yes	Ketcham	Barbara	Approved	Unanimous
I	Arnold, Edgar Daniel Villazon, Esq.	Yes Yes	Barbara	Ketcham	Approved	Unanimous
J	Cobiella, Vanessa	Yes	Rescheduled and waived the 90-days.			
K	Conenna, Michael Daniel Villazon, Esq.	No Yes	Rescheduled and waived the 90-days.			
L	Empty, Clarissa Lynn	Yes	Ketcham	Barbara	Approved	3-1
M	Hart, Sikira	No	Rescheduled and waived the 90-days.			
N	Harvey, Jason Allen	Yes	Ketcham	Barbara/Butler	Approved	Unanimous
O	Ho, Hai Minh	Yes	Barbara	Butler	Approved	Unanimous
P	Mcfee, Kevin Ramsey	Yes	Butler	Ketcham	Approved	Unanimous
Q	Myers, Jason Daniel	Yes	Ketcham	Barbara	Approved	3-1
R	Palmer, Elizabeth Anna	Yes	Barbara	Ketcham	Approved	Unanimous
S	Plante, Kristin Marie Daniel Villazon, Esq.	Yes Yes	Barbara	Schwartz	Approved	3-1
T	Register, Jessica Lee	No	Barbara	Ketcham	Approved	Unanimous
U	Saintil, Richardson	Yes	Barbara	Ketcham	Approved	Unanimous
V	Soler, Janice	Yes	Barbara	Ketcham	Approved	3-1
W	Van Duzen, Quiana	No	Ketcham	Barbara	Approved	Unanimous
X	Walsh, Hans Thomas	Yes	Barbara	Ketcham	Approved	Unanimous
Y	Warmath, James	Yes	Barbara	Ketcham	Approved	3-1

Z	Wiggins, Ethelyn A	Yes	Ketcham	Barbara	Approved	Unanimous
AA	Williams, Geanne L	Yes	Barbara	Butler	Approved	Unanimous

Agenda B

Giuvanna Corona, Executive Director, presented 17 Applicants requesting to sit for the real estate examination. Results are as follows:

TAB	NAME	PRESENT	MOVED by COMMISSIONER	SECONDED by COMMISSIONER	VOTE	COUNT
A	Alsahani, Zaid	Yes	Barbara	Ketcham	Approved	3-1
B	Alvarez, Marco	No	Barbara	Ketcham	Approved	3-1
C	Amador, Iyamille B	Yes	Ketcham	Barbara/Butler	Approved	Unanimous
D	Bartman, Richard Joseph	Yes	Ketcham	Butler	Approved	Unanimous
E	Betsinger, Matthew James	Yes	Barbara	Ketcham	Approved	Unanimous
F	Black, Carin Elizabeth	Yes	Barbara	Ketcham	Approved	Unanimous
G	Bremel, Denis	Yes	Barbara	Butler	Approved	3-1
H	Burdell, Tricia Brooke	No	Ketcham	Barbara	Approved	3-1
I	Buresh, Nina Marie	Yes	Ketcham	Barbara	Approved	Unanimous
J	Carrizosa, Andres G	Yes	Schwartz	Barbara	Approved	3-1
K	Colon, Claudia	Yes	Ketcham	Barbara	Approved	Unanimous
L	Conde, Jasmin Aphro	Yes	Ketcham	Barbara	Approved	Unanimous
M	Contreras, Carmen R	No	Ketcham	Barbara	Denied	Unanimous
N	Davis, Glinda Denise	Yes	Barbara	Ketcham	Approved	Unanimous
O	Dieujuste, Betsy	No	Ketcham	Butler	Denied	Unanimous
P	Dixon, William F	Yes	Ketcham	Butler	Approved	Unanimous
Q	Douglas, Latifah	Yes	Barbara	Ketcham	Approved	Unanimous

Agenda C

Giuvanna Corona, Executive Director, presented 44 Applicants requesting to sit for the real estate examination. Results are as follows:

TAB	NAME	PRESENT	MOVED by COMMISSIONER	SECONDED by COMMISSIONER	VOTE	COUNT
A	Esse, Michael	No	Barbara	Butler	Approved	3-1
B	Figuroa, Brenda Eve	Yes	Ketcham	Barbara	Approved	Unanimous
C	Fleming, David W	Yes	Barbara	Butler	Approved	Unanimous
D	Gomez, Roberto	Yes	Barbara	Ketcham	Approved	Unanimous
E	Gonzalez, Jahsua J	Yes	Ketcham	Barbara	Approved	3-1
F	Harris, Carmelle	Yes	Barbara	Butler	Approved	Unanimous
G	Hartog, Michelle Carol	Yes	Barbara	Ketcham	Approved	Unanimous

H	Holland, Helga	No	Barbara	Ketcham	Approved	Unanimous
I	Hudson, Cody Matthew	Yes	Barbara	Ketcham	Approved	3-1
J	Isom, Michael A	Yes	Barbara	Butler	Approved	Unanimous
K	Itor, Jean	Yes	Ketcham	Barbara	Approved	Unanimous
L	Jeannis, Lindya	Yes	Barbara	Butler	Approved	Unanimous
M	Jensen, David L	Yes	Ketcham	Barbara	Approved	Unanimous
N	Johnson, Sean A	Yes	Barbara	Butler	Approved	Unanimous
O	Jones, Deshawn	Yes	Barbara	Ketcham	Approved	Unanimous
P	Joseph, Jean Caleb	Yes	Barbara	Ketcham	Approved	Unanimous
Q	Lackey, Jesse	No	Ketcham	Butler	Approved	Unanimous
R	Lanier, Lashayla	Yes	Barbara	Butler	Approved	Unanimous
S	Lewis, Rojonic	Yes	Barbara	Ketcham	Approved	Unanimous
T	Lynch, Anne	Yes	Ketcham	Barbara	Approved	Unanimous
U	Marshall, Tanya	Yes	Ketcham	Barbara	Approved	Unanimous
V	Medina, Rony Jose	Yes	Barbara	Butler	Approved	Unanimous
W	Nguyen, Cuong	Yes	Barbara	Ketcham	Approved	Unanimous
X	Ovando Velasquez, Cesar Enrique	Yes	Barbara	Ketcham	Approved	Unanimous
Y	Patrick, Taylor Christopher	No	Barbara	Ketcham	Approved	Unanimous
Z	Pavlo, Yelena	Yes	Barbara	Ketcham	Approved	Unanimous
AA	Peralta, Nicholas	Yes	Barbara	Ketcham	Approved	3-1
AB	Petrov, Aleksandr A	Yes	Butler	Ketcham	Approved	Unanimous
AC	Phyles, Anthony Wayne	No	Ketcham	Butler	Approved	Unanimous
AD	Piedra, Raymond	Yes	Barbara	Ketcham	Approved	3-1
AE	Pires, Denise Erica Daniel Villazon, Esq.	Yes Yes	Barbara	Ketcham	Approved	Unanimous
AF	Polston, Tyler Michael	Yes	Barbara	Schwartz	Approved	3-1
AG	Reasbeck, Sarah Megan	No	Ketcham	Butler	Denied	Unanimous
AH	Rinello, Michelle Marie	Yes	Barbara	Butler	Approved	Unanimous
AI	Rivera, Luzselenia	Yes	Ketcham	Barbara	Approved	Unanimous
AJ	Rodriguez Rios, Noe	Yes	Barbara	Ketcham	Approved	Unanimous
AK	Ruf, Conner	No	Ketcham	Butler	Denied	3-1
AL	Tedesco, Aurielle Victoria	Yes	Barbara	Schwartz	Approved	3-1
AM	Tuffy, Tammy Joyce	Yes	Butler	Ketcham	Approved	Unanimous
AN	Underwood, Charles Hayward II	Yes	Barbara	Ketcham	Approved	3-1
AO	Veliz, Hugo	No	Ketcham	Barbara	Approved	Unanimous

AP	Vera, Angela	No	Ketcham	Barbara	Approved	Unanimous
AQ	Wallace, Jacqueline Nicol	Yes	Barbara	Ketcham	Approved	Unanimous
AR	Warren, Alexis	Yes	Barbara	Butler	Approved	Unanimous

Executive Director's Comments

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

Chair's Comments

Chair Schwartz thanked the Commission and Division staff for a great meeting.

Public Comments

The Commission received public comment from Ms. B.J. Buccini, a sales associate in Panama City Beach, FL, Bay County.

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 4:10 p.m. The next general meeting – licensing of the Florida Real Estate Commission is scheduled for December 14, 2021, via Tele-Conference/Live-Stream.

ATTEST:



Randy Schwartz, Chair
Florida Real Estate Commission



Giovanna Corona, Executive Director
Florida Real Estate Commission

Julie I. Brown, Secretary

Ron DeSantis, Governor

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THE FLORIDA REAL ESTATE COMMISSION
November 17, 2021
Hybrid Meeting**

November 17, 2021

Chair Randy Schwartz called the meeting of the Florida Real Estate Commission to order at approximately 8:30 a.m., via Hybrid, on this Wednesday, the 17th day of November, 2021.

Commissioners

Chair Randy Schwartz – in person
Vice-Chair Patricia “Pat” Fitzgerald – via Live-Stream
Patricia “Patti” Ketcham – in person
Renee Butler – via Live-Stream
Richard Barbara – via Live-Stream
Richard “Dick” Fryer – excused absence

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

Staff

Giuvanna Corona, Executive Director – in person
Al Cheneler, Chief Attorney – in person
James Fortunas, Deputy Chief Attorney – via Live-Stream
Mackenzie Medich, Deputy Chief Attorney – via Live-Stream
Amanda Bova, Assistant General Counsel Attorney – excused absence
William Childers, Assistant General Counsel Attorney – via Live-Stream
Dan David, Assistant General Counsel Attorney – via Live-Stream
Heather Page, Assistant General Counsel Attorney – in person
Katie Pareja, Assistant General Counsel Attorney – in person
Emy Orellana, Regulatory Consultant – in person
Tobechi “Charles” Bob-Duru, Regulatory Specialist III – in person
Janice Lugo, Operations Support Supervisor – via Live-Stream
Linda Doolittle, Regulatory Consultant – in person
Bradley Ramos, Regulatory Specialist III – in person
Damon Boodram, Operation Review Specialist – in person
Lia Matos, Barry University School of Law Intern – in person
Luis River, Administrative Assistant II – in person

Escrow Disbursement Orders – Agenda

Heather Page, Assistant General Counsel, presented 7 Escrow Disbursement Orders.

Tab F – Case Number 2021-043038 – Sean Greco, Miami Properties and Paradise

The Broker, Mr. Sean Greco, was present and not represented by counsel. After discussion, Commissioner Ketcham moved to issue the Escrow Disbursement Order to the Seller, seconded by Vice-Chair Fitzgerald and Commissioner Barbara; the motion passed unanimously.

Commissioner Ketcham moved to approve Tab A of the Escrow Disbursement Order, seconded by Commissioner Butler; the motion passed unanimously. Vice-Chair Fitzgerald was recused.

Commissioner Ketcham moved to approve Tab B of the Escrow Disbursement Order, seconded by Commissioner Butler; the motion passed unanimously.

Commissioner Barbara moved to approve Tabs C, D, E, and G of the Escrow Disbursement Order as Interpleaders, seconded by Commissioner Butler and Commissioner Fitzgerald; the motion passed unanimously.

Recovery Fund Claim – Agenda

Heather Page, Assistant General Counsel, presented 1 Recovery Fund Claim. Commissioner Butler was not present during the consideration of the Recovery Fund Claim.

Tab A – Case Number 2021-021771 – RFC C&C Alliance Group Corp v. Antonio Garcia
Claimant was not present and was represented by Counsel, Mr. Nicholas Vicente, Esq.; Licensee was present and was not represented by Counsel. After discussion, Vice-Chair Fitzgerald moved to grant the claim as recommended by the Department; seconded by Commissioner Barbara. The motion passed unanimously.

Legal Appearance Docket

The Commission addressed the Legal Appearance Docket, hearing 9 docket items with the following results:

Tab A – Janice Galan, SL3374732, Case No. 2021-020160 – Respondent’s Request for Informal Hearing

The Respondent was present and was represented by counsel, Mr. Daniel Villazon, Esquire, present. Mr. Childers represented the Department. Commissioner Ketcham served on probable cause and was recused.

After discussion, Commissioner Barbara moved; seconded by Vice-Chair Fitzgerald; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Barbara moved; seconded by Vice-Chair Fitzgerald; to impose the following sanctions: **90 days probation; administrative fine of \$300.00; investigative costs of \$866.25; 3-hour Core Law Education Course**; the motion passed without dissent.

Violation(s): Section 475.42(1)(i), Florida Statutes, A broker or sales associate may not place, or cause to be placed, upon the public records of any county, any contract, assignment, deed, will, mortgage, affidavit, or other writing which purports to affect the title of, or encumber, any real property if the same is known to her or him to be false, void, or not authorized to be placed of record, or not executed in the form entitling it to be recorded, or the execution or recording whereof has not been authorized by the owner of the property, maliciously or for the purpose of collecting a commission, or to coerce the payment of money to the broker or sales associate or other person, or for any unlawful purpose. However, nothing in this paragraph shall be construed to prohibit a broker or a sales associate from recording a judgment rendered by a court of this state or to prohibit a broker from placing a lien on a property where expressly permitted by contractual agreement or otherwise allowed by law.

Tab B – Gary Pete Harris, BK3045954, BK3072301, BK3304677, BK3314524, BK3316749, BK3320919, BK3350069, BK3367784, BK3398260, BK3399985, BK3412170, BK3412280, BK3413852, Case No. 2021-017964 – Informal Hearing Continued To Determine Penalty

The Respondent was not present and was represented by counsel, Mr. Rickey Strong, Esquire, present. Ms. Page represented the Department. Commissioner Ketcham served on probable cause and was recused.

After discussion, Vice-Chair Fitzgerald moved; seconded by Commissioner Butler; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice-Chair Fitzgerald moved; seconded by Commissioner Butler; to impose the following sanctions: **6 months probation; administrative fine of \$500.00; investigative costs of \$264.00**; the motion passed without dissent.

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

Tab C – Rebecca Marie Mahan, BK680769, Case No. 2021-016304 – Respondent’s Request for Informal Hearing

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

After discussion, Commissioner Butler moved; seconded by Commissioner Barbara; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. The determination of sanctions was continued to December 2021.

Violation(s): 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.

Tab D – Anvar B. Moghaddam, BK487611, Case No. 2021-005601 – Settlement Stipulation

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

After discussion, Commissioner Barbara moved; seconded by Commissioner Ketcham; to accept the Settlement Stipulation; the motion passed without dissent.

Violation(s): Section 475.25(1)(b), Florida Statutes, by being guilty of fraud, misrepresentation, and dishonest dealings, concealment, culpable negligence or breach of trust, or has formed an intent, design or scheme to engage in any such misconduct and committed an overt act in furtherance of such intent, design or scheme.

Tabs E – John Roger Boyce II, SL3255570, Case No. 2021-019900 – Motion for Waiver and Entry of Final Order

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

After discussion, Commissioner Barbara moved; seconded by Commissioner Butler; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice-Chair Fitzgerald moved; seconded by Commissioner Barbara; to impose the following sanctions: **revocation; investigative costs of \$231.00**; the motion passed without dissent.

Violation(s): Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report in writing to the board or, if there is no board, to the department within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.

Tab F – Sebastien Edmond, SL3367744, Case No. 2021-018306 – Motion for Waiver and Entry of Final Order

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

After discussion, Commissioner Butler moved; seconded by Commissioner Barbara; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Barbara moved; seconded by Vice-Chair Fitzgerald; to impose the following sanctions: **6 months of probation; investigative costs of \$478.50; 3-Hour Core Law Course**; the motion passed without a 3-1 vote.

Violation(s): Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report in writing to the board within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction; Section 475.25(1)(f), Florida Statutes, by being convicted or being found guilty of or entered a plea of nolo contendere to, regardless of adjudication, a crime in which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude or fraudulent or dishonest dealing.

Tab G – Jose A. Martinez Jr., ZH1002650, Case No. 2021-019158 – Motion for Waiver and Entry of Final Order

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

After discussion, Commissioner Barbara moved; seconded by Commissioner Butler; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice-Chair Fitzgerald moved; seconded by Commissioner Barbara; to impose the following sanctions: **revocation; investigative costs of \$660.00**; the motion passed with a 3-1 vote.

Violation(s): Section 475.25(1)(b), Florida Statutes, by being guilty of fraud, misrepresentation, and dishonest dealings, concealment, culpable negligence or breach of trust, or has formed an intent, design or scheme to engage in any such misconduct and committed an overt act in furtherance of such intent, design or scheme.

Tab H – Jose A. Martinez Jr., ZH1002650, Case No. 2021-020013 – Motion for Waiver and Entry of Final Order

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

After discussion, Commissioner Butler moved; seconded by Commissioner Barbara; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice-Chair Fitzgerald moved; seconded by Commissioner Barbara; to impose the following sanctions: **revocation; investigative costs of \$387.75**; the motion passed with a 3-1 vote.

Violation(s): Section 475.25(1)(b), Florida Statutes, by being guilty of fraud, misrepresentation, and dishonest dealings, concealment, culpable negligence or breach of trust, or has formed an intent, design or scheme to engage in any such misconduct and committed an overt act in furtherance of such intent, design or scheme.

Tab I – Julio Parajon, SL3204103, Case No. 2021-017808 – Motion for Waiver and Entry of Final Order

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

After discussion, Commissioner Butler moved; seconded by Commissioner Barbara; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Barbara moved; seconded by Vice-Chair Fitzgerald; to impose the following sanctions: **90 days probation; administrative fine of \$250.00; investigative costs of \$610.50; 3-hour Core Law Education Course**; the motion passed without dissent.

Violation(s): Section 475.25(1)(e), Florida Statutes, by failing to timely complete a lawful order imposed by FREC.

Special Agenda

Tab A – Legal – Petitioner’s Motion for Reconsideration – Gennady Nudelamn, SL3122889

The petitioner was present and was represented by counsel, Mr. Daniel Villazon, Esquire, present. After discussion, Commissioner Barbara moved to grant the motion for reconsideration and vacate the revocation; seconded by Vice-Chair Fitzgerald; the motion passed without dissent. Commissioner Barbara moved; seconded by Vice-Chair Fitzgerald; to impose the following sanctions: probation for 6 months; administrative fine of \$500.00; investigative costs of \$330.00, 3-hour Core Law Education Course. The motion passed without dissent.

Tab B – General – FREC Meeting Dates for 2022

FREC Executive Director Corona presented the FREC Meeting Dates for 2022 to the Commission. After discussion, Commissioner Barbara moved; seconded by Commissioner Ketcham; to accept the dates for 2022. The motion passed without dissent.

Meeting Minutes

FREC Executive Director Corona presented the October 2021 Meeting Minutes to the Commission. After discussion, Commissioner Barbara moved; Commissioner Butler seconded; to approve the minutes as presented. The motion passed without dissent.

Reports

FREC Executive Director Corona presented the 4th Quarter Financial Report and the Division Reports. FREC Chief Attorney, Mr. Cheneler, Esquire, presented the Legal Reports for October 2021. FREC Counsel, Mr. Harris, Esq., presented the Rules Report for October 2021.

Executive Director’s Comments

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

Chair’s Comments

Chair Schwartz thanked the Commission and Division staff for a great meeting.

Public Comments

The Commission received public comment from Ms. Linda Crawford, Author Dearborn Real Estate Education Company.

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 11:30 a.m. The next general meeting – Legal of the Florida Real Estate Commission is scheduled for December 15, 2021, in Orlando and via Hybrid.

ATTEST:



Randy Schwartz, Chair
Florida Real Estate Commission



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Florida Real Estate Commission

FLORIDA REAL ESTATE COMMISSION
NOVEMBER 16, 2021

Good day. My name is B. J. Buccini and I am a Sales Association in Panama City Beach, FL, Bay County and I am scheduled to take my Broker's test in January 2022. I want to thank the Commission for allowing me to speak at this meeting today. I appreciate your valuable time consideration. With all due respect to this Commission, today I would like to bring to your attention the gross injustice of the Code of Ethics and Chapter 475, Florida Statutes Real Estate Broker, Sales Associates, and Schools. Part 1 and Chapter 61J2, Florida Administrative Code. It's ineffectiveness and it's abuse by Brokers here in the State of Florida and especially in the Northwestern, Emerald Coast Area.

To begin with, please allow me to tell you a little about myself. I have earned two Master's Degrees and several undergraduate degrees. I am a member of the National Association of Realtors, Florida Association of Realtors and the Emerald Coast Association of Realtors, Panama City Beach Chamber of Commerce, and I am being sponsored to join the Emerald Coast Professional Business Women's Association. I have numerous years in business experience in writing policy and procedures, contract management, negotiations, and mediation for Federal, State and Local governments. I was raised on a farm right here in the great State of Florida, but I did not fall off that turnip truck last night.

I received my license in February, 2015. I took the REALTOR® Pledge and I have conducted myself and my business with that oath at the first and foremost of dealings. I have respected my Brokers and my fellow agents regardless of what Broker the agent was with. I went into this business with a "Polly Anna" attitude that the Brokers would be of good and honest character and could be trusted. I believed in this Code of Ethics and the pledge I took. I spent hundreds of dollars that I didn't really have to get started. I worked for several large Brokers in the beginning only to find that they were some of the most unethical, untruthful, people I had ever met. Brokers would outright lie to me, allow their friends who were agents to take my contract and my customers. I could not get any guidance from these Brokers. Any training I got, I had to find it myself. Brokers gave me lip service as to what they offered before I hung my license with them, but it was all lip service. I usually ended up training other agents in the systems, marketing, etc. I never pushed back. I just got a full time job in order to survive.

I was completely unaware that Agents literally have absolutely no protection or rights against the unethical and illegal treatment by their broker. This was supposed to be **my business** that I was responsible for. I was told that I was a subcontractor (1099) and as such I was responsible for filing for my business name, cost of any licensing, taxes, etc.; anything that had to do with running a business. I was good with that because that's why I got my license.

The definition of a 1099 Worker is "A 1099 worker is one that is not considered an "employee" Rather this type of worker is usually referred to as a **freelancer, independent contractor or other self-employed worker that completes particular jobs or assignments.** Since you don't

pay them wages or a salary, they're not deemed employees. (March 9, 2020)
<https://www.completepayrollssolutions.com>

The definition of **EXTORTION** is “. . .the practice of obtaining something, especially money, through force or threats.” Do you see the correlation? If we don't comply and pay and allow these “**EMPLOYER/BROKERS**” to have complete control of our hard earned money, we can't work in our field. Even though we are the same according to Fla. S475.01(a)(j).

One of the main reasons why I am standing before you today is that on January 2021, the broker I was with at the time kept my commission even after I had performed my part of the transaction before I departed the firm. To my knowledge I was entitled to my commission. I then found out that Brokers have complete and total control over my money. Money I worked for. Money I developed a relationship with the customer for. Money I paid Zillow for leads that I cultivated. I'm a 1099 not an employee. I should get paid at the table just the same as an appraiser, surveyor, or any other independent contractor does. The “**EMPLOYER/BROKERS**” should have a separate check for their part of the hard earned money that they did absolutely nothing for. Agents are **FORCED TO HANG THEIR LICENSE WITH A “EMPLOYER/BROKER”**. We are forced to join an association. We are forced to take the “**REALTOR®**” PLEDGE. If we don't do this, we cannot work in our field that we have spent so much money, time and effort for education, licensing fees, etc.

According to FLA. S475.42(d) “A sales associate may **not collect any money** in connection with any real estate brokerage transaction, whether as a commission, deposit, payment, rental, or otherwise, **except in the name of the EMPLOYER and with the EXPRESS CONSENT OF THE EMPLOYER**; no real estate sales associate, whether the holder of a valid and current license or not, shall commence or maintain any action for commission or compensation in connection with a real estate brokerage transaction against any person except a person registered as her or his **EMPLOYER** at the time that sales associate performed the act or rendered the service for which the commission or compensation is due. (read Exhibit B)

Brokers are also considered by this statute as an **EMPLOYER**. This is readily evident in the above referenced statute.

Merriam-Webster Dictionary defines an **EMPLOYER** as, “a person or company that provides a job paying wages or a salary to one or more people”.

When one is an **EMPLOYER**, one is required by Federal Law and State Laws to pay certain taxes such as Social Security Taxes, Worker's Compensation, Unemployment Insurance, take care of payroll taxes, sometimes provide medical insurance, post workplace poster from the Department of Labor and many other duties that “**EMPLOYER/BROKERS**” do not do for 1099 agents.

These “**EMPLOYER/BROKERS**” are allowed to charge any fees to an agent they so desire. They call them “branding” fees, “franchise” fees, “transaction” fees or whatever else they so choose to call them in order to justify taking a larger portion of the agents commission. There is no cap or regulations governing how much these “**EMPLOYER/BROKERS**” can and do charge an agent.

On the other hand agents have to advertise for these **"EMPLOYER/BROKERS"** in addition to the **commission** percentage and the additional fees these **"EMPLOYER/BROKERS"** charge. However, agents are not allowed to charge nor to the **"EMPLOYER/BROKERS"** compensate or share the cost of this advertising. Agents are required to give **"EMPLOYER/BROKERS"** prominent billing on any and all advertising, business cards, mailings or anything else they send out as Real Estate Sales Agents.

In Fla. S475.01(a) is the definition of a **"BROKER"** and Fla. S475.01(j) is the definitions of **"SALES ASSOCIATE"**. What was amazing to me is that they both ". . .render a professional service and is a professional within the meaning of s.95.11(a)". In addition to this, s475.01(j) states **"SALES ASSOCIATE MEANS A PERSON WHO PERFORMS ANY ACT SPECIFIED IN THE DEFINITION OF 'BROKER'. . ."** So agents do the same job, pay the same fees, (plus those charged by the **"BROKER"**), are subject to the same penalties, held to the same standards as a **"BROKER"**, (who does absolutely nothing to earn any of the money the agent earns) and yet is allowed to control and say when and if we get out money? In whose world does this make sense?

GROUPS/TEAMS

There are contradictions and discrimination throughout the Code of Ethics and the Florida Statutes governing the Real Estate Profession here in Florida and against single agents.

SINGLE AGENTS/BROKER ASSOCIATES

- 1) Cannot have a fictitious name. We can only have a designation as LLC, PA, etc.
- 2) Can only use their legal name in any advertisement, etc.
- 3) Checks are only made out to the individuals' legal name or legal name with a designation.

TEAMS/GROUPS

To begin with, Teams/Groups are made up of single agents and Broker Associates. None of which are Brokers. According to

Mike Glass is an agent with EXIT Sands Realty here in Bay County. He is the "leader" of Team LaChef Atlanta Real Estate Atlanta Real Estate. However, Erica Price, Owner/Broker of EXIT Sands Realty in Panama City Beach makes out the checks, they are made out to Team LaChef and deposited in Mike Glass' bank account. Then he in turn distributes the money to individual team members. This allows Mike Glass to act as a Broker.

The same thing with Nathan Lawrence from Keller Williams Success Realty. Nathan bills himself as "team owner" of The Lawrence Group. In some of his advertising THE LAWRENCE GROUP is larger and much more prominent than the Broker. Again, Nathan Lawrence is acting as Broker. Then he pays the agents under him.

Both of these "groups" are acting as independent organizations and the "leaders" are acting as brokers.

If these "groups" want to work and share in the profits of their efforts, they need to fill out forms such as a Referral Agreement Co-Seller or Co-Lister. There should be one for each "team member" and checks should be made out to each individual agent as a single agent.