

Melanie S. Griffin, Secretary

Ron DeSantis, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
October 18, 2022
Hybrid Meeting**

October 18, 2022

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 18th day of October 2022.

Commissioners

Chair Randy Schwartz – in person
Vice Chair Patricia Fitzgerald – in person
Patricia Ketcham – in person
Richard Barbara – excused absence
Renee Butler – in person
Millie Kanyar – in person
Kelly Price – in person

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
Camille Royal, Regulatory Consultant – in person
Jose Jimenez, 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
Bradley De Los Ramos, Regulatory Specialist III – in person
Amanda Bova, Assistant General Counsel – in person
Heather Page, Assistant General Counsel – in person
Katie Pareja, Assistant General Counsel – in person
Magnolia Court Reporting, Inc. (407) 521- 9855

Education Agenda

Giuvanna Corona, Executive Director, presented 8 Real Estate Education Courses for the Commission's review and consideration.

Tab A – Charitable Gifting of Real Estate – New Course (3 hours Specialty, Classroom) -application number 57900 – Preferred Systems Inc.

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

Tab B - Charitable Gifting of Real Estate - New Course (3 hours Specialty, Live Stream) -application number 57899 – Preferred Systems Inc.

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

Tab C – Florida Real Estate 14 Hour Renewal Package Bias Override - New Course (14 hours Combination Law, Specialty and Business Ethics, Distance) –application number 57906 – Education Pathways, LLC

The applicant was not present in support of the application. The application was withdrawn at the applicant's request.

Tab D – Foreclosure from a Realtor's Point of View - New Course (2 hours Specialty, Core Law, Business Ethics, Combination of all above, Distance) –application number 57994 – Orland PC

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

Tab E – Code of Ethics and Business Practices – New Course (3 Business Ethics, Classroom)

-New Course (4 hours Specialty, Classroom) – application 58025 – CPAR School of Real Estate

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

Tab F – How to Use Canva: 9 Step guide to creating visual content - New Course (2 hours Specialty, Classroom) - application number 58068 – Old Republic National Title Insurance Company

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 G – Power of Strategy: Mastering Advanced 1031 Exchanges Strategies - New Course (3 hours Combination Law, Specialty and Business Ethics, Classroom) – application number 58186 – Asset Preservation, Inc.

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

Tab H – Preventing Condos and HOA's from Imploding Your Transaction - New Course (3 hours Combination Law, Specialty and Business Practices, Classroom) -application number 58177 –

Basulto Robbins & Associates, LLP

The applicant was not present in support of the application. After discussion, Commissioner Price moved to approve the course Specialty only; seconded by Commissioner Ketcham. The motion passed with a 5-1 vote.

Special Agenda

Tab A – Request for Multiple Broker License – Informal Hearing – Carnero, Victor

The petitioner was present and was not represented by counsel. After discussion, Commissioner Kanyar moved; seconded by Commissioner Ketcham to vacate the Notice of Intent to Deny and accept the applicant's request to withdraw the application; the motion passed without dissent.

Summary of Applicants – Agenda A

FREC Executive Director, Giuvanna Corona presented 51 Applicants requesting to sit for the real estate examination. Results are as follows:

Approved by Unanimous Vote (28)

Brunson, James	Present
Cashmareck, Michael Anthony	Present
Cerny, Amanda	Not present
Clark, Jayda	Present
Dapagio, Ciro	Present

Decubas Mira, Daniel	Present
Dennison, Franklin	Present
Desai, Dylan M	Not present
Desenti, Quinttin A	Not present
Fussell, Stephanie	Present
Guthrie, Trevor Frank	Present
Hallenbeck, Barbara H	Present
Hayre, Jovan Singh	Not present
Ingram, Shamari O S	Present
Jack, Jahlen Bryce	Present
Jackson, Keyona	Present
Jones, Trenton Clary	Present
Khan, Venood	Present
Mckinnie, Alexander Jamar	Present
Morales, Carlos Antonio Jr	Present
Nguyen, Kathy	Present
Perez Lugo, Michael	Present
Rivera-Berges, Heather B	Present
Salazar, Michael	Present
Sanchez, Edgardo	Not present
Smith, Jermaine Lavarius	Present
Van Meter, Chase	Present
Walker, Priscilla Ann	Present

Approved by Majority Vote (6)

Baker, Sandra Monique	Present
Davis, Jamie Norman	Not present
Morris, Tonya D	Present
Rosado-Torres, Carmen Milagros	Not present
Rothschild, Thomas Etienne	Present
Stephenson, Shantrell Sharae	Not present

Denied by Unanimous Vote (11)

Becchinelli, Zachary Vincent	Present
Brown, Michael Shane	Not present
Causey, Triston Blake	Not present
Conroy, Chasiti Nicole	Present
Galo, William	Not present
Lherisson, Stephane	Not present
Lopez, Kelyn	Present
Reyes, Sheila	Present
Rogers, Dalicia Shalynque	Not present
Sadenwater, Shannon Lynn	Not present
Zepka, Victor Robert	Not present

Denied by Majority Vote (2)

Child, Lucas William	Present
Johnson, Sara	Not present

Rescheduled and Waived 90-days (4)

Butler, Cheyenne	Not present
Hubbard, Benjamin	Not present
Meran, Madeleine K	Not present
Moudarri, Kiana	Not present

Summary of Applicants – Agenda B

FREC Executive Director, Giuvanna Corona presented 22 Applicants requesting to sit for the real estate examination. Results are as follows:

Self Report (2)

Carpio, Roxana Mariana	The applicant was present and not represented by counsel. After discussion, the Commission took no action on the matter.
Parker, Shannon Monique	The applicant was not present and not represented by counsel. After discussion, the Commission took no action on the matter.

Informal Hearings (4)

Salter, Ronald David	The applicant was not present and not represented by counsel. After discussion, Commissioner Price moved to uphold the Notice of Intent to Deny and deny the application with conditions; seconded by Commissioner Kanyar; the motion passed without dissent.
House, George Edward Jr	The applicant was present and not represented by counsel. After discussion, Commissioner Price moved to vacate the Notice of Intent to Deny and approve the application; seconded by Commissioner Kanyar; the motion passed without dissent.

Approved by Unanimous Vote (8)

Blackney, Neale	Present
Custer, Christopher	Present and represented by counsel, Mr. John R. Samaan, Esq., present
Dickerson, Shari Danella	Present
Gomez, Yasmin	Present
Hernandez, Giovanni H	Present
Salcedo, Andres Alfredo	Present
Silva, Melanie Scarlett	Present
Stout, Maribel	Present

Approved by Majority Vote (2)

Colon, Christian	Present
Robinson, Danielle Eshay	Present

Denied by Unanimous Vote (5)

Hong, Vu	Present
Ludolph, Dane	Not present
Prizer, Mark Christopher	Not present
Rodgers, Blake	Not present

Rescheduled (1)

Valk, Krisha Marie	Present and represented by counsel, Mr. Daniel Villazon, Esq., present
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Rescheduled and Waived 90-days (4)

Desi, Cher Rose	Not present
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Hernandez, Hector Alejandro	Not present and represented by counsel, Mr. Daniel Villazon, Esq., present
Lozada, Francisco Roman	Not present
Reynolds, Clifford	Not present but represented by counsel, Mr. John R. Samaan, Esq., present

Agenda C

FREC Executive Director, Giuvanna Corona presented 1 Applicant requesting to sit for the real estate examination. Results are as follows:

Denied by Unanimous Vote (1)

Giunta, Patrick Alan	Present
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Consent Agenda A

The Commission considered 51 applicants from the Consent Agenda A; Vice Chair Fitzgerald moved; Commissioner Kanyar; seconded the motion to approve 32 applicants and require 19 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Appleby, Brandon
Bermudez, Anthony
Bidos, Alexandre
Bordes, Lido
Bouvia, Ikira
Brand, Linda
Brooks, Shawn Wade
Burgess, Scotty Lee Jr
Capers, Lois Elizabeth
Carr, Matthew Francis
Clements, Iisha Nakia
Deutschmann, Louis Alec
Diaz Herrera, Harvey
Enfinger, Amber C
Espinal, Leona A
Hart, Erin
Hill, Alexis
Jauregui-Morataya, Andres
Johns, Gary Lavaughen
Lima, Laura
Martindale, Charles
Mulenburg, Brandon
Mulliner, Annette Ruth
Parra, Nora G
Peavler, Jared Wayne
Simmons, April Marchrisha
Smith, Devonte
Sullivan, Alicia Renee
Taylor, Tameka T
Torres, Eduardo Jr
Vasquez, Gabriel
Zorrilla, Benito

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

Acloque, Guilande
Bagrov, Alexei
Barnes, Joseph
Borbon, Ernesto
Brown, Daniel William
Castner, Ryan
Cobb, Colleen Renee
Ernst, William
Ferraro, Elizabeth
Galvin, Todd Hamilton
Garcia, Marisol
Georges, Edwence
Haney, Colleen Teresa
Haynes, Shaniec
Lawhorn, Joseph Jr
Mazurek, Shane Charles
Mcglynn, Brett Alexander
Medina, Alexandra Michelle
Stern, Sarah

Consent Agenda B

The Commission considered 15 applicants from the Consent Agenda A; Vice Chair Fitzgerald moved; Commissioner Kanyar; seconded the motion to approve 7 applicants and require 8 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Brown, Julian Anthony
Murphy, Brian R
Perry, Justin O
Pulido, Julie Beers
Rennie, Lauren
Rieser, Katrina Anja
Thompson, William B

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

Davis, Terry Leon
Graff, Sheryl
Harvin, Teyona C
Hernandez, Aurora
Mateo Vazquez, Victor Manuel
Mccalla, Jaime
Orta, James
Shearer, Brittney

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 did not receive public comment.

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 2:54 p.m. The next general meeting – licensing of the Florida Real Estate Commission is scheduled for November 16, 2022, via Live-Stream.

ATTEST:

Randy Schwartz, Chair
Florida Real Estate Commission

Giovanna Corona, Executive Director
Florida Real Estate Commission

Melanie S. Griffin, Secretary

Ron DeSantis, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
October 19, 2022
Hybrid Meeting**

October 19, 2022

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 19th day of October, 2022.

Commissioners

Chair Randy Schwartz – in person
Vice Chair Patricia Fitzgerald – in person
Patricia Ketcham – in person
Richard Barbara – excused absence
Renee Butler – in person
Millie Kanyar – in person
Kelly Price – in person

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 – in person
Delhon Braaten, Assistant General Counsel – via Live-Stream
William Childers, Assistant General Counsel – via Live-Stream
Daniel David, Assistant General Counsel – via Live-Stream
Katie Pareja, Assistant General Counsel – in person
Heather Page, Assistant General Counsel – in person
Camille Royal, Regulatory Consultant – in person
Jose Jimenez, Regulatory Specialist III – in person
Jocelyn Pomales, Education Specialist – via Live-Stream
Damon Boodram, Operation Review Specialist – in person
Magnolia Court Reporting, Inc. (407) 521- 9855

Escrow Disbursement Orders – Agenda

Ms. Katie Pareja, Assistant General Counsel, presented 5 Escrow Disbursement Orders.

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

Commissioner Ketcham moved to approve Tab B, C, and D of the Escrow Disbursement Order, seconded by Commissioner Price; the motion passed unanimously. Commissioner Kanyar was recused.

Commissioner Ketcham moved to approve Tab E of the Escrow Disbursement Order, seconded by Commissioner Price; the motion passed unanimously. Commissioner Kanyar was recused.

Legal Appearance Docket

The Commission addressed the Legal Appearance Docket, hearing 20 docket items with the following results:

Tab A - Antony, Majesh, SL 3487182 Case No. 2022-012868 - Respondent's Request for Informal Hearing

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

After discussion, Commissioner Kanyar moved to, seconded by Commissioner Ketcham, dismiss the Administrative Complaint with prejudice; the motion passed without dissent.

Violation(s): Section 475.25(1)(m), Florida Statutes, by obtaining a license by means of fraud, misrepresentation, or concealment.

Tab B - Fitzgerald, Jonathan, BL 3188563 Case No. 2022-010956 - Petitioner's Request for Informal Hearing

The Respondent was present and was represented by Counsel, Mr. Daniel Villazon, Esq., present. Mr. Childers represented the Department. Vice Chair Fitzgerald served on probable cause and was recused; Chair Randy Schwartz was also recused.

After discussion, Commissioner Price moved to, seconded by Commissioner Kanyar, accept the findings of fact and conclusion of law and find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Butler moved, seconded by Commissioner Kanyar, to impose the following sanctions: **revocation not permanent; investigative costs of \$181.50; administrative fine of \$1,000.00**. The motion passed without dissent.

Violation(s): Section 475.25(1)(m), Florida Statutes, by obtaining a license by means of fraud, misrepresentation, or concealment; Section 455.275(1), Florida Statutes, by failing to notify the department in writing of change of mailing address, e-mail address, and place of practice.

Tab C - Hernandez, Ulises, SL 3505428 Case No. 2022-022361 - Respondent's Request for Informal Hearing

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

After discussion, Commissioner Price moved to, seconded by Commissioner Kanyar, accept the findings of fact and conclusion of law and find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Kanyar moved to, seconded by Vice Chair Fitzgerald, to impose the following sanctions: **suspension for 30 days; probation for 6 months; investigative costs of \$330.00; administrative fine of \$1,000.00**. The motion passed with a 4 to 1 vote.

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 D - Hoey, Kevin, SL 3487294 Case No. 2022-012311 - Respondent's Request for Informal Hearing

The Respondent was present and was not represented by Counsel. Mr. Fortunas represented the Department. Commissioner Butler served on probable cause and was recused.

After discussion, Vice Chair Fitzgerald moved to, seconded by Commissioner Kanyar, accept the findings of fact and conclusion of law and find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice Chair Fitzgerald moved to, seconded by Commissioner Kanyar, impose the following sanctions: **public reprimand; investigative costs of \$115.50.**

The motion passed without dissent.

Violation(s): Section 475.25(1)(m), Florida Statutes, by obtaining a license by means of fraud, misrepresentation, or concealment.

Tab E - Jamison, Justin, SL 3488485 Case No. 2022-015520 - Respondent's Request for Informal Hearing

The Respondent was present and was represented by Counsel, Mr. Daniel Villazon, Esq., present. Mr. Childers represented the Department. Commissioner Butler served on probable cause and was recused.

After discussion, Vice Chair Fitzgerald moved to, seconded by Commissioner Price, accept the findings of fact and conclusion of law and find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice Chair Fitzgerald moved, seconded by Commissioner Price, to impose the following sanctions: **probation for 3 months; public reprimand; investigative costs of \$288.75.** The motion passed without dissent.

Violation(s): Section 475.25(1)(m), Florida Statutes, by obtaining a license by means of fraud, misrepresentation, or concealment.

Tab F - Mills, Bobby, SL 3237837 Case No. 2022-012948 - Respondent's Request for Informal Hearing

The Respondent was present and was represented by Counsel, Mr. Ricky L. Strong, Esq., present. Ms. Bova represented the Department. Commissioner Butler served on probable cause and was recused.

After discussion, Vice Chair Fitzgerald moved, seconded by Commissioner Kanyar, accept the findings of fact and conclusion of law and find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice Chair Fitzgerald moved, seconded by Commissioner Ketcham, to impose the following sanctions: **suspension for 1 year; investigative costs of \$1,122.00; administrative fine of \$2,500.00.** 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.

Tab G - Monroe, Alexis, BK 3422391 Case No. 2022-008166 - Respondent's Request for Informal Hearing

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

After discussion, Commissioner Kanyar moved, seconded by Vice Chair Fitzgerald accept the findings of fact and conclusion of law and find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice Chair Fitzgerald moved, seconded by Commissioner Ketcham, to impose the following sanctions: **revocation; investigative costs of \$390.00; administrative fine of \$2,500.00.** The motion passed without dissent.

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

entered a plea of nolo contendere to, regardless of adjudication, a crime in which directly relates to the activities of a licensed broker or sales associate, or involves moral turpitude or fraudulent or dishonest dealing; Section 475.25(1)(p), Florida Statutes, by failing to inform the commission in writing within 30 days after entering a plea, or being convicted or found guilty of a felony.

Tab H - Oquendo, Breanna, SL 3488378 Case No. 2022-015563 - Respondent's Request for Informal Hearing

The Respondent was present and was not represented by Counsel. Mr. Childers represented the Department. Commissioner Butler served on probable cause and was recused.

After discussion, Vice Chair Fitzgerald moved, seconded by Commissioner Kanyar, accept the findings of fact and conclusion of law and find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Price moved, seconded by Vice Chair Fitzgerald, to impose the following sanctions: **reprimand; investigative costs of \$148.50**. The motion passed without dissent.

Violation(s): Section 475.25(1)(m), Florida Statutes, by obtaining a license by means of fraud, misrepresentation, or concealment.

Tab I - Prime Property Investments of Florida, LLC, CQ 1060721 Case No. 2021-055044 - Respondent's Request for Informal Hearing

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

After discussion, Commissioner Kanyar moved to, seconded by Commissioner Price, accept the findings of fact and conclusion of law and find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice Chair Fitzgerald moved to, seconded by Commissioner Kanyar, to impose the following sanctions: **probation for 90 days; investigative costs of \$495.00; administrative fine of \$2,500.00**. 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 J - Ramirez, Arturo, SL 3488467 Case No. 2022-016050 - Respondent's Request for Informal Hearing

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

After discussion, Commissioner Kanyar moved to, seconded by Commissioner Price, accept the findings of fact and conclusion of law and find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Kanyar moved, seconded by Commissioner Ketcham, to impose the following sanctions: **reprimand for 6 months; investigative costs of \$206.25; administrative fine of \$250.00**. The motion passed without dissent.

Violation(s): Section 475.25(1)(m), Florida Statutes, by obtaining a license by means of fraud, misrepresentation, or concealment.

Tab K - Tershowski, Kaia Anna, SL 3254943 Case No. 2021-046263 - Respondent's Request for Informal Hearing

The Respondent was present and was represented by Counsel, Mr. Daniel Villazon, Esq., present. Mr. David represented the Department. Commissioner Butler served on probable cause and was recused.

After discussion, Commissioner Price moved to, seconded by Commissioner Kanyar, accept the findings of fact and conclusion of law and find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Ketcham moved, seconded by Vice Chair Fitzgerald, to impose the following sanctions: **probation for 1 year; investigative costs of \$495.00; administrative fine of \$3,000.00; 28-hour Reactivation Education Course.** The motion passed with a vote 4 to 1.

Violation(s): Section 475.25(1)(e), Florida Statutes, through a violation of Section 455.227(1)(t), Florida Statutes, by failing to report in writing to the board 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 L - Florida First Realty Inc., CQ 1006076 Case No. 2022-011501 - Voluntary Relinquishment

The Respondent was not present and was not represented by Counsel. Mr. David represented the Department. Probable cause was waived.

After discussion, Vice Chair Fitzgerald moved to, seconded by Commissioner Kanyar, accept the respondent's request to withdraw the Voluntary Relinquishment of license for Permanent Revocation. The motion was passed without dissent.

Tab M - Simpson, Charles M., BK 161933 Case No. 2022-011467 - Voluntary Relinquishment

The Respondent was not present and was not represented by Counsel. Mr. David represented the Department. Probable cause was waived.

After discussion, Vice Chair Fitzgerald moved, second by Commissioner Kanyar, accept the Settlement Stipulation, the motion passed without dissent.

Tab N - Barrios Villalba, Erika Paola, SL 3247354 Case No. 2021-052558 - Motion For Waiver of Rights and Entry of Final Order

The Respondent was present and was not represented by Counsel. Ms. Medich represented the Department. Commissioner Butler served on probable cause and was recused. The Commission granted the waiver hearing.

After discussion, Commissioner Kanyar moved to, seconded by Commissioner Price, accept the findings of fact and conclusion of law and find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice Chair Fitzgerald moved to, seconded by Commissioner Price, to impose the following sanctions: **probation for 6 months; investigative costs of \$1,674.75; 28-hour Reactivation Education Course.** The motion passed without dissent.

Violation(s): Section 475.42(1)(d), Florida Statutes, by failing to collect any money in connection with any real estate brokerage transaction, whether as a commission, deposit, payment, rental, or otherwise, in the name of the employer and with the express consent of the employer; Section 475.25(1)(e), 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 nolo contendere, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession; Section 475.25(1)(e), Florida Statutes, through a violation of Rule 61J2-10.025, Florida Administrative Code, by failing to advertise in a manner in which reasonable persons would know they are dealing with a real estate licensee.

Tab O - Bell, James William, SL 3489300 Case No. 2022-023213 - Motion For Waiver of Rights and Entry of Final Order

The Respondent was not present and was not represented by Counsel. Mr. Childers represented the Department. Commissioner Butler served on probable cause and was recused. The Commission granted the waiver hearing.

After discussion, Commissioner Kanyar moved, seconded by Vice Chair Fitzgerald, accept the findings of fact

and conclusion of law and find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Price moved to, seconded by Vice Chair Fitzgerald, to impose the following sanctions: **revocation not permanent; investigative costs of \$63.00**. The motion passed without dissent.

Tab P - E Management & Investments LLC, CQ 1060845 Case No. 2022-010427 - Motion For Waiver of Rights and Entry of Final Order

The Respondent was not present and was not represented by Counsel. Ms. Page represented the Department. Commissioner Kanyar served on probable cause and was recused. The Commission granted the waiver hearing.

After discussion, Vice Chair Fitzgerald moved, seconded by Commissioner Price, accept the findings of fact and conclusion of law and find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice Chair Fitzgerald moved to, seconded by Commissioner Price, to impose the following sanctions: **suspension for 90 days; investigative costs of \$552.75; administrative fine of \$2,500.00**. The motion passed without dissent.

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 Q - Espinosa, William Angel, BK 3468899 Case Nos. 2022-010269 - Motion For Waiver of Rights and Entry of Final Order

The Respondent was not present and was not represented by Counsel. Ms. Page represented the Department. Commissioner Kanyar served on probable cause and was recused. The Commission granted the waiver hearing.

After discussion, Vice Chair Fitzgerald moved, seconded by Commissioner Ketcham, accept the findings of fact and conclusion of law and find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Vice Chair Fitzgerald moved to, seconded by Commissioner Butler, to impose the following sanctions: **revocation; investigative costs of \$577.50; administrative fine of \$2,500.00**. The motion passed without dissent.

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; Section 475.25(1)(k), Florida Statutes, by failing to immediately place, upon receipt, any money, fund, deposit, check or draft entrusted to her or him by any person dealing with her or him as a broker in escrow with a title company banking institution credit union or savings and loans association located or doing business in this state, or to deposit such funds in a savings and loans association located and doing business in this state, wherein that funds shall be kept until disbursement thereof properly authorized.

Tab R-T - Young, Amy, BK 3453614 Case No. 2022-009552, 2022-013309 and 2022-009533 - Motion For Waiver of Rights and Entry of Final Order

The Respondent was not present and was not represented by Counsel. Ms. Bova represented the Department. Commissioner Butler served on probable cause and was recused. The Commission granted the waiver hearing.

After discussion, Vice Chair Fitzgerald moved; seconded by Commissioner Price; to accept the findings of fact and conclusion of law are supported by competent, substantial evidence in the record and find the Respondent guilty as charged in the Administrative Complaint; the motion passed without

dissent. Commissioner Price moved; seconded at by Commissioner Ketcham; to impose the following sanctions: **revocation; investigative cost of \$775.50, \$313.50 and \$528.00 (\$1,617.00)**. The motion passed without dissent.

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.

Rules

61J2-ER? Use of Live Streaming Technology for Delivery of Approved In-Person Education Courses

The purpose of this emergency rule discussion is to authorize previously FREC approved classroom education courses to be delivered via classroom and via live streaming/video conferencing technology. Proposed language was provided to the Commission for review and consideration. The Commission received comments from the public. After discussion, Commissioner Ketcham moved; seconded by Vice Chair Fitzgerald; to approve the proposed language and adoption of the emergency rule. The motion passed without dissent.

61J2-3.015 Notice of Satisfactory Course Completion

The purpose of this rule discussion is to clarify and revise the language, if needed. Proposed language was provided to the Commission for review and consideration. The Commission received comments from the public. After discussion, Vice Chair Fitzgerald moved; seconded by Commissioner Kanyar; to approve the proposed language and open the rule for development. The motion passed without dissent.

61J2-3.008 Minimum Education Requirements (FREC-1 Syllabus)

The purpose of this rule discussion is to address the public comments received in reference to the FREC-I Syllabus (see attached). The Commission received comments from the public. FREC Executive Director Giovanna Corona stated that the FREC-I syllabus is effective January 1, 2023 and provided verbal instructions on how to teach a current course until its expiration date.

Meeting Minutes

The FREC Meeting Minutes were continued.

Reports

FREC Executive Director Corona presented the Division Reports for September 2022. Chief Attorney, Mr. Cheneler, Esquire, presented the Legal Reports for September 2022. FREC Counsel, Mr. Harris, Esquire, presented the Rules Report for September 2022.

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 comments from Karen Climer, Linda Crawford, Matt Hernandez, and Pamela Kemper.

Adjournment

There being no other business, the Chair adjourned the meeting at approximately 1:01 p.m. The next general meeting – Legal of the Florida Real Estate Commission is scheduled for November 16, 2022, in

Orlando and via Hybrid.

ATTEST:

Randy Schwartz, Chair
Florida Real Estate Commission

Giovanna Corona, Executive Director
Florida Real Estate Commission