Minutes of
THE FLORIDA REAL ESTATE COMMISSION
May 22 and 23, 2018
General Meeting

May 22, 2018

Chairperson Thomas Luzier called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 22nd day of May 2018.

COMMISSIONERS
Chair Thomas Luzier
Vice-Chair Patricia Fitzgerald
Dick Fryer
Poul Hornsleth
Patti Ketcham
Guy Sanchez
Randy Schwartz

Ms. Rachel Clark, Senior Assistant Attorney General, appeared as counsel for the Commission. Ms. Clark declared a quorum present.

STAFF
Katy McGinnis, Director
Denise Johnson, Deputy Director
Lori Crawford, Executive Director
Al Cheneler, Chief Attorney
Allison McDonald, Deputy Chief Attorney

Janice Lugo, Operations Support Supervisor
Meagan McAvoy, Regulatory Specialist III
Mike Davis, Regulatory Supervisor/Consultant
Dorothy Carter, Regulator Specialist III
American Court Reporting, Inc. (407) 896-1813 provided court services.

Summary of Applicants

Regulatory Supervisor/Consultant, Mike Davis presented 92 Summary of Applicants requesting to sit for the real estate examination.

1. Agenda A, Tab AK – Alexander Joseph Kollmer, present; represented by Steven Johnson, Esquire, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 6-1 vote.

2. Agenda A, Tab AS – Brendan Conor Murphy, present; represented by Steven Johnson, Esquire, present – Sales associate application approved; Commissioner Hornsleth/Vice-Chair Fitzgerald; 5-2 vote.

3. Agenda B, Tab J – David Thomas Cortiza, present; represented by Steve Johnson, Esquire, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; 6-1 vote.

4. Agenda A, Tab J – Dwight Edwin Anderson, present; represented by Nancy Campiglia, Esquire, present – Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; 4-3 vote.
5. Agenda A, Tab O – Candace Beveritt, present; represented by Daniel Villazon, Esquire, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 5-2 vote.

6. Agenda A, Tab AV – Michael John Passarella, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4-3 vote.

7. Agenda A, Tab L – Charles Bell - present; represented by H. Thompson, Esquire, present – Sales associate application approved with conditions; Commissioner Fryer/Commissioner Hornsleth 6-1 vote.

8. Agenda A, Tab C – Ruth Fernandez, informal – present; represented by Daniel Villazon, Esquire, present - Sales associate application approved; Commissioner Schwartz/Commissioner Sanchez; unanimous vote.

9. Agenda A, Tab D – Kevin Le – informal, present; represented by Daniel Villazon, Esquire, present - Sales associate application approved with conditions; Commissioner Schwartz/Commissioner Fryer; 6-1 vote.

10. Agenda B, Tab E – Susan Bird – present; represented by K. Harrington, Esquire, present- Sales associate (amended) application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

11. Agenda A, Tab F – Ernest F. Scally, informal – present; represented by Daniel Villazon Esquire, present - Sales associate application continued waived 90 days

12. Agenda A, Tab AQ – Marc Martinangelo – present, represented by Daniel Villazon Esquire, present - Sales associate application approved; Commissioner Ketcham/Commissioner Fryer; 6-1 vote.

13. Agenda A, Tab BD – Sanchez Rodrigo – present, represented by Daniel Villazon Esquire, present - Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; 6-1 vote.

14. Agenda A, Tab BE – Robert L. Schuchman – present; represented by Daniel Villazon Esquire, present - Sales associate application approved; Commissioner Fryer/Vice Chair Fitzgerald; 4-3 vote.

15. Agenda A, Tab BG – Shenoy Sunil – present; represented by Daniel Villazon Esquire, present - Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 6-1 vote.

16. Agenda B, Tab K – Daniel Hut – present; represented by Daniel Villazon Esquire, present – Sales associate application approved; Commissioner Fryer/Vice-Chair Fitzgerald; 6-1 vote

17. Agenda B, Tab M – Jonathan J. Morgan-Bentick, present; represented by Daniel Villazon Esquire, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

18. Agenda A, Tab A – Lynn N. Byler, informal, present – Sales associate application approved; Commissioner Fryer/Commissioner Ketcham; 4-3 vote

19. Agenda A, Tab B – Cebert Guichard reconsideration – non- appearance – Sales associate application denied Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

20. Agenda A, Tab E – Debora A. Lerda, informal – non-appearance – Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

21. Agenda A, Tab G – Rashauna D. Adkison – present- Sales associate application approved; Commissioner Hornsleth/Vice Chair Fitzgerald; unanimous vote.

22. Agenda A, Tab H – Louis A. Albano – present - Sales associate application approved; Commissioner Sanchez/Commissioner Hornsleth 5-2 vote.

23. Agenda A, Tab I – Ali Masoom – non-appearance- Sales associate application denied, Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

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Prepared by M. Davis

25. Agenda A, Tab M – Michael Berube – present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

26. Agenda A, Tab N – April S. Betton – amended – Continued – waived 90 days

27. Agenda A, Tab P – Charles J. Burke – Present – Sales associate application (amended) approved, Commission Fryer/Commissioner Hornsleth; unanimous vote.

28. Agenda A, Tab Q – Rodolfo Cabrera – present – Sales associate application (amended) approved with conditions; Commissioner Schwartz/Commissioner Fryer; 5-2 vote.

29. Agenda A, Tab R – Anthony Cardoso – present – Sales associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote

30. Agenda A, Tab S – Evann Chapman – present Sales associate application (amended) approved, Commissioner Fryer/Commissioner Schwartz; 6-1 vote.

31. Agenda A, Tab T – Quinn Charlotte – present – Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

32. Agenda A, Tab U – Jamie Cudd – present – Sales associate application (amended) approved; Commissioner Sanchez/Commissioner Fryer; 6-1 vote.

33. Agenda A, Tab V – Marco A. Da Costa – non-appearance – Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; 6-1 vote.

34. Agenda A, Tab W – Michael Deboer – present – Sales associate application denied; Commissioner Schwarz/Commissioner Hornsleth; unanimous vote.

35. Agenda A, Tab X – Ernest A. Delva, Jr. – present – Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.

36. Agenda A, Tab Y – Archie Ferguson – present – Sales associate (amended) application approved conditional; Commissioner Fryer/Commissioner Hornsleth; 6-1 vote.

37. Agenda A, Tab Z – Quincefena Ferrell – present – Sales associate application approved conditional; Commissioner Ketcham/Commissioner Fryer; unanimous vote.

38. Agenda A, Tab AA – Carmelo E. Garcia – present – Sale associate (amended) application approved; Commissioner Fryer/Commissioner Hornsleth; 4-3 vote.

39. Agenda A, Tab AB – Francis J. Gleason, III – present – Sale associate (amended) application approved; Commissioner Fryer/Commissioner Hornsleth 4-2 vote.

40. Agenda A, Tab AC – Dayna Glover – present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

41. Agenda A, Tab AD – Jeremiah D. Glowski – present – Sales associate (amended) application approved; Commissioner Fryer/Vice Chair Fitzgerald; unanimous vote.

42. Agenda A, Tab AE – Eylem Gonzalez – Withdrawn.

43. Agenda A, Tab AF – Gracie C. Hernandez – Withdraw, waived 90 days.

45. Agenda A, Tab AH – Kelly Irelan – present – Sales associate application approved; Commissioner Ketcham/Commissioner Fryer; unanimous vote.

46. Agenda A, Tab AI – Alexis A. Janssen – present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

47. Agenda A, Tab AJ – Shawn D. Kennedy – present – Sales associate application approved; Vice Chair Fitzpatrick/Commissioner Fryer; unanimous vote.

48. Agenda, Tab AL – Joe J. Lee – present – Sales associate application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; 5-1 vote.

49. Agenda, Tab AM – Robert E. Levoy, II – present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

50. Agenda A, Tab AN – Harry Louis – present – Sales associate application approved conditional; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.

51. Agenda A, Tab AO – Samantha M. Marchetti – present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 5 to 1 vote.

52. Agenda A, Tab AP – Glen A. Martin – present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4-2 vote.

53. Agenda A, Tab AR – Makeesha McLaughlin – present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

54. Agenda A, Tab AT – James T. Murphy – present – Sale associate application (amended) approved conditional; Commissioner Fryer/Commissioner Schwartz; 5-1 vote.

55. Agenda A, Tab AU – Noel Parson – present – Sales associate approved conditional; Commissioner Fryer/Commissioner Ketcham; unanimous vote.

56. Agenda A, Tab AW – Julio C. Perez – present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

57. Agenda A, Tab AX – Calvin J. Permenter – present – Sales associate application approved conditional; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

58. Agenda A, Tab AY – Karina Quiceno – Continued waived 90 days.

59. Agenda A, Tab AZ – Jon J Richards – present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

60. Agenda A, Tab BA – William R. Rybak – present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

61. Agenda A, Tab BB – Lynette T. Sampson – present – Sales associate application approved; Commissioner Hornsleth/Commissioner Ketcham unanimous vote.

62. Agenda A, Tab BC – Emanuel D. Sanchez – present – Sales associate application approved; Commissioner Ketcham/Commissioner Schwartz; unanimous vote.

Agenda A

63. Agenda A, Tab BF – Joseph Senat – present – Sales associate (amended) application denied; Commissioner Schwartz/Vice Chair Fitzpatrick; unanimous vote.

64. Agenda A, Tab BH – Michele A. Speraw – present – Sales associate (amended) application approved; Commissioner Hornsleth/Commissioner Fryer; 4-2 vote.
65. Agenda A, Tab BI – Marina Superland – Continued waived 90 days.

66. Agenda A, Tab BJ – Yusuf Thorne – present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

67. Agenda A, Tab BK – Natasha Tomlin – present – Sales associate application approved conditional; Commissioner Schwartz/Commissioner Fryer; 5-1 vote.

68. Agenda A Tab BL – Jeffrey A. Williams – present – Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

69. Agenda A, Tab BM – Brook J. Wilson – Continued waived 90 days.

70. Agenda A, Tab BN – Adam I. Zies – present – sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

71. Agenda B, Tab A – Kendelo Hollis, Jr. – informal present – Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

72. Agenda B, Tab B – Joseph C. Rukab – Continued waived 90 days.

73. Agenda B, Tab C – Sakhu E. Shabazz – present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 5-1 vote.

74. Agenda B, Tab D – Susan Bird – present – Continued waived 90 days.

75. Agenda B, Tab F – Shawanda Butler – present – Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; 5-1 vote.

76. Agenda B, Tab G – Hannah T. Campbell – present – Applicant withdrew application.

77. Agenda B, Tab H – Matthew Choy – Applicant withdrew application.

78. Agenda B, Tab I – Benjamin E. Cochrane – present – Applicant withdrew application.

79. Agenda B, Tab L – Jacob Jordan – present – Sales associate application approved; Commissioner Fryer/Vice Chair Fitzpatrick; 4-2 vote.

80. Agenda B, Tab N – Alan R Munoz – Continued waived 90 days.

81. Agenda B, Tab O – Michelle Diane Perez – present – Sales associate application approved; Commissioner Fryer/Vice Chair Fitzpatrick; 5-1 vote.

82. Agenda B, Tab P- Wayne M. Rhoden – present – Sales associate application approved; Commissioner Fryer/Vice chair Fitzpatrick; 5-1 vote.

83. Agenda B, Tab Q – Scott M. Roberts – present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

84. Agenda B, Tab R – Marie D. Sealy – present – Sales associate application approved. Commissioner Hornsleth/Commissioner Fryer; 5-1 vote.

85. Agenda B, Tab S – Danon Slinkard – Rescheduled and waived 90 days.

86. Agenda B, Tab T – Mashawn Thrasher – Sales associate application approved; Commissioner Fryer/Vice Chair Fitzpatrick; unanimous vote.

87. Agenda B, Tab U - Yesenia T. Vazquez – present – Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
88. Agenda B, Tab V – Tony Venzal – present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

89. Agenda B, Tab W – Sylvester, Warren – present – Sales associate application denied; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

90. Agenda B, Tab X – Norman C. Weatherington – present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

91. Agenda B, Tab Y – Tyler A. Westover – present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

92. Agenda C, Tab A – Michael Aristizabal – non-appearance – Sales associate application denied; Vice Chair Fitzpatrick/Commissioner Fryer; unanimous vote.

Public Comments

The Commission offered, but there were no comments from members of the audience.

Recess

There being no objection, the Chair recessed the meeting at approximately 5:00 p.m. until 8:30 a.m. tomorrow.

May 23, 2018

Chair Luzier reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 23rd day of May 2018.

COMMISSIONERS
Chair Thomas Luzier
Vice-Chair Patricia Fitzgerald
Dick Fryer
Poul Hornsleth
Patti Ketcham
Guy Sanchez
Randy Schwartz

Ms. Rachel Clark, Senior Assistant Attorney General appeared as counsel for the Commission. Ms. Clark declared a quorum present.

STAFF
Katy McGinnis, Director
Denise Johnson, Deputy Director
Lori Crawford, Executive Director
Al Cheneler, Chief Attorney
Allison McDonald, Deputy Chief Attorney
James Fortunas, Deputy Chief Attorney
Maureen White, Senior Attorney
Roger Maas, Senior Attorney
Jocelyn Pomales, Education Coordinator
Sara Kimmig, Bureau Chief
Mike Davis, Regulatory Supervisor/Consultant
Dorothy Carter, Regulatory Specialist III
American Court Reporting, Inc. (407) 896-1813 provided court services.
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

Division staff addressed questions and comments from the Commission.

Consent Agenda A

The Commission considered 64 applicants from the Consent Agenda A; Commissioner Hornsleth moved to approve and Commissioner Fryer seconded the motion to approve 31 applicants and require 33 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Betancourt, Erick
Brown, William Jamar
Caballero, David Alexander Jr.
Campbell, Drew Thomas
Cole, Ashley
Cordaro, Glenn Robert
Cowher, Christopher
Dumas, Shawn
Esslinger, John Thomas
Frantz, David Bryan
Goddard, Dustin

Lloyd, Tamica Aniska
Martinez, Noraima
McCray, Desseri Lashonda
Mendez Rivera, Leticia
Prather, Matthew Alexander
Ramirez Sanchez, Juan Carlos
Rangel, Mary Elizabeth
Rissin, Lee H.
Russell, Kari Nautique
Santana, Joseph Darrin

Shepherd, Shawnda Yuvette
Slaughter, Brandon John
Suarez, Brisa
Sweeney, Patrick C.
Torres, David
Triggiano, Anthony Enzo
Valencia, Joe
Van Buskirk, Ava Elizabeth
Vonlanken, Jason Michael
Walkes, Abdyl

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

Aselage, Brock Thomas
Avila Escobar, Eddy Fernando
Burke, Camille
Carpenter, Pamela
Davis, Louis li
Della Sala, Phillip MacKenzie
Flambert, Cliff
Flynn, Ryan Wayne
Godness, Angel
Hayes, Joanna
Henderson, James

Holland, Justina Maria
Hoyt, Jeffrey George
Logan, Natasha Cia
Loney, Andrew J.
Mcmillon, Rachelle Loretta
Melhorn, Suzanne V.
Nicolosi, Anthony Joseph Jr.
Pierre Louis, Fred Jr
Posada, Eiden
Ramos, Jose Edgardo
Rhodes, Stephanie Irene

Ricalo, Brandon Anthony
Ristemov, Ussouf
Rodriguez, Rigoberto Jr.
Sanders, Kai Von L.
Schwartz, Spencer
Steinbauer, Julie
Thomas, Brandy Nicole
Tilley, Jacquella
Waite, Dolan Lee
Welton, Christopher
Youst, Amanda Marie

Consent Agenda B

The Commission considered 48 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 33 applicants and require 15 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Achim, Danielle
Barone, Erin
Farina, Louis
Ford, Robert Jr.

Peugh, Bill Wayde
Politron, Juan Jr.
Bedford, Joseph James Sr.           Galante, Albert           Redmond, Cleo Jr.
Behnken, Matthias Johannes         Garcia, Mando Marcel       Salutsky, Ron
Bright, Max                        Garvin, Justin Everett      Sanchez Santos, Eric Xavier
Brinson, Gilbert                    Grazioso, Michael James    Stanley, Joshua
Capoferrer, Vince John IV          Huggins, Jasmine           Sullivan, Marilyn
Cruz, Nathaniel                    Kunchal, Stephanie H.       Toro, Mauricio
Cumberbatch, Theodore              Lujan, Donovan              Veramendi, Lita Tatiana
Darge, Marisol Marianela           Papin, Edwin                Waz, Debra Banks
Douglas-Grayson, Beverly P.        Perez Ramonde, William G.   Wolf, Juli Lyn

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

Andre, Chodry                      Freeman, Christi            Persley, Charisse Denise
Augustine, Massiana                Holcomb, Shawn              Serrano-Vargas, Rose M
Cunningham, Jennifer Lee           Martinez Mercedes, Adriana   Sevigny, Zachary James
Elsamra, Ibrahim                    Oxendine, Samuel Bernard   Stone, Genevieve Ann
Exner, Abigail Maureen             Parrillo, Justyn             Wilburn, Pamela Harrison

Legal Agenda Schedule

Escrow Disbursement Orders – Agenda

Mr. Cheneler presented 10 Escrow Disbursement Orders, and 4 Orders for the Commission’s consideration. The Commission entered into discussion. Commissioner Fryer moved to accept the Escrow Disbursement Orders, and the remaining Order; Commissioner Hornsleth seconded the motion; the motion passed without dissent.

Recovery Fund Claims

Tab A – Pedro L. Garcia v. Alicia Garcia, DBPR Case No. 2016-051576

Ms. White presented the above matter to the Commission. Neither the Licensee nor the Claimant was present. The Licensee was not present. Ms. White recommended the Commission grant the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to accept the Final Order Granting the Recovery Fund Claim. Commissioner Fryer seconded the motion. The motion passed without dissent.

Legal Appearance Docket

Tab J – Equus Realty and Development Inc., CQ 1012354; Case No. 2017019961 – Settlement Stipulation

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

Ms. White represented the department and presented the case to the Commission. After discussion Commissioner Fryer moved; seconded by Commissioner Vice-Chair Fitzgerald; motion passed without dissent to accept the Settlement Stipulation.

Penalty: Administrative fine of $1,500.00; investigative costs of $792.00. Violation(s): Section 475.25(1)(k), Florida Statutes, when Respondent’s Broker failed to immediately place the Deposit in an escrow account or in escrow with a title company.

Action Taken: Settlement Stipulation accepted.
Tab L – Carol J. Neff, BK 314197; Case No. 2017015129 – Settlement Stipulation

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

Ms. White represented the department and presented the case to the Commission. After discussion Commissioner Fryer moved; seconded by Commissioner Vice-Chair Fitzgerald; motion passed without dissent to accept the Settlement Stipulation.

**Penalty:** Administrative fine of $1,500.00; investigative costs of $792.00; 1 complete FREC general meeting; 4 hour escrow management course. **Violation(s):** Section 475.25(1)(k), Florida Statutes, when Respondent’s Broker failed to immediately place the Deposit in an escrow account or in escrow with a title company.

**Action Taken:** Settlement Stipulation accepted.

Tab R – Richard Vecchio, SL 3136832; Case No. 2017022099 – Notice for Waiver of Rights and Entry of Final Order

Case continued.

Tab E – Alisha A. Mihelich, SL 3343038; Case No. 2017036723 – Respondent’s Request for Informal Hearing

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

Mr. Fortunas represented the department and presented the case to the Commission. After discussion Commissioner Fryer moved; seconded by Commissioner Schwartz seconded the motion to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Schwartz seconded the motion to impose the following sanctions:

**Penalty:** Administrative fine of $250.00; investigative costs of $165.00; probation for 6 months. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to timely return to Ms. Mettlach the $9,000.00 escrow deposit remitted to the Respondent’s brokerage, International Real Estate Company, in relation to Ms. Mettlach’s potential purchase of the Shore Drive property.

**Action Taken:** Settlement Stipulation accepted.

Tab O – Pablo A. Marcos, BK 3020317; Case No. 2017002551 – Notice for Waiver of Rights and Entry of Final Order

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

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Sanchez moved, seconded by Commission Schwartz to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Sanchez moved, seconded by Commission Schwartz; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of $214.50. **Violation(s):** Section 475.5015, Florida Statutes (2016), and thereby 475.25(1)(e), Florida Statutes (2016), by failing to provide one of more of the following requested items: the transaction files, and any related books, accounts and records; deposit verifications; and/or escrow letters.
Tab Q – Palm Bay Realty Services, Inc., CQ 1020359; Case No. 2017018955 – Notice for Waiver of Rights and Entry of Final Order

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

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved, seconded by Commissioner Sanchez to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Sanchez; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of $387.75. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to, after receiving conflicting demands, to timely request the Commission issue an escrow disbursement order, submit the matter to arbitration, seek adjudication of the matter by court, or submit the matter to mediation; Section 475.25(1)(e), Florida Statutes, through a violation of Rule 61J2-10.032(1)(1) Florida Administrative Code, by failing to institute one of the settlement procedures set forth in Section 475.25(1)(d)1., Florida Statutes, within 30 business days of the last party’s demand for the Escrow Deposit; Section 475.25(1)(b), Florida Statutes, by: Failing to timely institute on of the settlement procedures set forth in Section 475.25(1)(d)1., Florida Statutes, within 30 business days of the last party’s demand for the Escrow Deposit; and By falsely claiming that a request for an escrow disbursement order had been properly submitted to the Commission.

Tab H – Santana Cuco, SL 3269586; Case No. 2017036396 – Respondent’s Request for Informal Hearing

Respondent was present; Respondent was not represented by counsel. Vice-Chair Fitzgerald was recused due to participation on the probable cause panel.

Mr. Fortunas represented the department and presented the case to the Commission. After discussion, Commissioner Schwartz moved, seconded by Commissioner Fryer to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Schwartz moved; seconded by Commissioner Fryer; the motion passed 4-2 to impose the following sanctions:

**Penalty imposed:** Administrative fine of $500.00; investigative costs of $552.75; 6 month probation. **Violation:** Section 475.25(1)(e), Florida Statutes, through a violation of 455.227(1)(t), Florida Statutes, by failing to timely report the plea of nolo contendere to “Reckless Driving causing Damage/Injury” to the Department.

Tab D – Ricardo Jimenez, BK 3225672; Case No. 2017005701 – Respondent’s Request for Informal Hearing

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

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved, seconded by Vice-Chair Fitzgerald to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Fryer moved; seconded by Vice-Chair Fitzgerald; the motion passed without dissent to impose the following sanctions:

**Penalty:** Suspension for 1 year; administrative fine of $1,000.00; investigative costs $544.50; attend 1 complete FREC general meeting; probation for 1 year. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to provide an account statement for the funds collected or remit the funds to Complainant; Section 475.5015, Florida Statutes, by failing to respond to or provide records as requested by Petitioner’s investigator.
Tab G – Ricardo Realty, LLC, CQ 1045165; Case No. 2017013150 – Respondent’s Request for Informal Hearing

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

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Sanchez moved, seconded by Vice-Chair Fitzgerald to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Sanchez moved; seconded by Vice-Chair Fitzgerald; the motion passed without dissent to impose the following sanctions:

**Penalty:** Suspension for 1 year; investigative costs $239.25. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to provide an account statement for the funds collected or remit the funds to Complainant.

Tab C – Sonya Lynn Hernandez, BK 3300024; Case No. 2017060153 – Respondent’s Request for Informal Hearing

Respondent was present; Respondent was not represented by counsel. Vice-Chair Fitzgerald was recused due to participation on the probable cause panel.

Mr. Maas represented the department and presented the case to the Commission. After discussion Commissioner Hornsleth moved; seconded by Commissioner Fryer to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Sanchez moved; seconded by Commissioner Fryer; the motion passed without dissent to impose the following sanctions:

**Penalty:** Administrative fine of $1,000.00; investigative costs of $524.70; attended 2 complete FREC general meetings; 6 month probation. **Violation(s):** Section 475.25(1)(m), Florida Statutes, by failing to include in her application for licensure; Plea of Nolo Contendere to Permitting an Unauthorized Person to Drive and Plea of Nolo Contendere to Misrepresentation of Insurance.

Tab I – Oliver Seidler, BK 3080448; Case No. 2016047082 – Respondent’s Request for Informal Hearing

Respondent was present; Respondent was not represented by counsel. Vice-Chair Fitzgerald was recused due to participation on the probable cause panel.

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved, seconded by Commissioner Schwartz to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Schwartz; the motion passed 4-2 to impose the following sanctions:

**Penalty:** Administrative fine of $2,000.00; investigative costs of $191.40. **Violation(s):** Section 475.25(1)(d)(2), Florida Statutes (2015-2016), by being the purchaser of real estate under contract and failing to deposit money in an escrow account, per the terms of a purchase and sale agreement. Rule 61J2-14.008(2)(b), Florida Administrative Code, and thereby violating Section 475.25(1)(e), Florida Statutes, by failing to provide a Seller and/or Seller’s broker with written notice that Respondent did not receive verification of the escrow deposit.

Tab A – Frank Baker, SL 3200595; Case No. 2017008337 – Respondent’s Request for Informal Hearing

Respondent was not present; Respondent was not represented by counsel. Vice-Chair Fitzgerald was recused due to participation on the probable cause panel.
Mr. Maas represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Fryer to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fryer; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of $536.25. **Violation(s):** Section 475.25(1)(p), Florida Statutes, by failing to inform the Department within 30 days of being adjudicated guilty of seven felony counts of fraud; Section 475.25(1)(f), Florida Statutes, by being adjudicated guilty of seven felony counts of fraud.

**Tab B – Valentine Gentchov, SL 3163575; Case No. 2017039426 – Respondents Request for Informal Hearing**

Case continued.

**Tab F – William P. Pierce, SL 3119263; Case No. 2017031100 – Settlement Stipulation**

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

Mr. Fortunas represented the department and presented the case to the Commission. The Commission entered into discussion. After discussion, Commissioner Fryer moved to accept the Settlement Stipulation and Vice-Chair Fitzgerald seconded the motion; the motion passed without dissent to accept the Settlement Stipulation to impose the following sanctions:

**Penalty:** Administrative fine of $2,000.00; investigative costs of $198.00; attend 2 complete FREC general meetings; probation for 6 months. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to notify the Commission in writing within 30 days of having received a withheld adjudication on the above offenses; Section 475.25(1)(c), Florida Statutes, by publishing that he is a “master broker” when in reality his licensure with the Department is as a Sales Associate.

**Tab K – Peter M. Kuc, SL 3016416; Case No. 2017004344 – Settlement Stipulation**

Respondent was not present; Respondent was not represented by counsel. Vice-Chair Fitzgerald was recused due to participation on the probable cause panel.

Ms. White represented the department and presented the case to the Commission. The Commission entered into discussion. After discussion, Commissioner Fryer moved to reject the Settlement Stipulation and Commissioner Hornsleth seconded the motion; the motion passed without dissent to reject the Settlement Stipulation:

**Action Taken:** Settlement Stipulation Rejected

**Tab M – Cody Horan, SL 330304; Case No. 2017024102 – Notice for Waiver of Rights and Entry of Final Order**

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

Mr. Maas represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Sanchez moved, seconded by Commissioner Fryer to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Sanchez moved; seconded by Commissioner Fryer; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of $135.30. **Violation(s):** Section 475.25(1)(f), Florida Statutes, in one or more of following ways: by entering pleas of guilty to the charges of Count I (felony Aggravated Assault); Count II (felony Fleeing or Eluding); Count III (misdemeanor Driving Under the Influence); Count IV (misdemeanor Refusal to Submit to Testing) and Count V (misdemeanor Possession of Marijuana; by
originally being adjudicated guilty of the DUI charge (Count III) and receiving withheld adjudications on Counts I, II, IV and V by the Court; By admitting violating his probation on Counts I, II, III, IV and V, resulting in the Court subsequently adjudicating him guilty on Counts I, II, IV and V.

**Tab N – Cody Horan, SL 3189235; Case No. 2017026221 – Notice for Waiver of Rights and Entry of Final Order**

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

Mr. Fortunas represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Fryer to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fryer; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation. **Violation(s):** Section 475.25(1)(e), Florida Statutes in one or more of following ways: by failing to pay the $1,000.00 administrative fine, failing to pay the $1,584.00 investigative costs, failing to attend three two-day FREC meetings and/or by failing to complete three hour core law course, all within six months of the effective date of the Final Order.

**Tab P – Judith Ileana Muniz, SL 3200595; Case No. 2017051052 – Notice for Waiver of Rights and Entry of Final Order**

Respondent was not present; Respondent was not represented by counsel. Vice-Chair Fitzgerald was recused due to participation on the probable cause panel.

Mr. Maas represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Fryer to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fryer; the motion passed without dissent to impose the following sanctions:

**Penalty:** Revocation; investigative costs of $155.10. **Violation(s):** Section 475.25(1)(p), Florida Statutes, by failing to inform the commission of her plea of guilty to felony Organized Fraud; Section 475.25(1)(f), Florida Statutes, when she pled guilty to the crime of Organized Fraud.

**Secretary and Deputy Secretary Visit**

DBPR Secretary, Jonathan Zachem and DBPR Deputy Secretary, Paul Waters gave brief overview of the Department’s recent accomplishments and also thanked the Commissioners for their service and hard work. Secretary Zachem and Deputy Secretary Waters addressed questions and comments from the Commission.

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

**Tab A – Introduction to Development Workshop - New Course (11 hours, classroom) - application number 32837 – CCIM Institute**

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

**Tab B – Accredited Buyer’s Representative Designation Course - New Course (12 hours, distance) - application number 33406 – CE Shop, Inc.**

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course with conditions; Commissioner Sanchez seconded the motion. The motion passed without dissent.
Tab C – CRS 135 Transforming Difficult Situations into Profitable Deals – New Course (8 hours, classroom) application number 33252 – Council of Residential Specialists, An Affiliate of National A

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

Tab D – CRS 130 How Technology Can Ruin Your Real Estate Business - New Course (8 hours, classroom) – application number 33255 – Council of Residential Specialists, An Affiliate of National A

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

Tab E – Broker Pre-License – New Course (72 hours, classroom) – application number 33128 – Florida Real Estate Institute, Inc.

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

Tab F – Death and Dirt – New Course (3 hours, classroom) – application number 33141 – Friedman & Friedman PA

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

Tab G – Introduction to Home Inspections for REALTORS – New Course (E&B)(3 hours, classroom) – application number 32982 – Internachi

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

Tab H – Online Correspondence: 14-Hours of Hot Topics for a Competitive Edge – Informal Hearing (14 hours, correspondence) – application number 31719 – McKissock LP

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

Tab I – Ethics – New Course (E&B)(3 hours, distance) – application number 33018 – Onlined, Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Vice-Chair Fitzgerald seconded the motion. The motion passed 5-1.

Tab J – The Appraisal Process Revealed - (3 hours, classroom) – application number 32733 – Performance School of Real Estate Finance

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Sanchez moved to deny the course; Vice-Chair Fitzgerald seconded the motion. The motion passed without dissent.

Agenda B
Tab A – CRS 123 Mastering Relevant, Consumer-Focused Marketing - New Course (8 hours, classroom) - application number 33253 – Council of Residential Specialists, An Affiliate of National A

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

Tab B – CRS 127 Succession Planning Building Valuing and Selling Your Business - New Course (8 hours, classroom) - application number 33256 – Council of Residential Specialists, An Affiliate of National A

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

Tab C – CRS 126 “7 Things Successful Agents Do Differently A Proven Business System” - New Course (8 hours, classroom) –application number 33257 – Council of Residential Specialists, An Affiliate of National A

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

FREC – Petitions

Petition for Declaratory Statement received from The Climer School of Real Estate. – DS 2018-023

FREC Counsel Clark presented a Petition for Rule Waiver together with a supplement received from the Petitioner for the Commission’s review and consideration. Petitioner was present. Commissioner Fryer moved to deny the petition; Commissioner Sanchez seconded the motion. The motion passed without dissent.

General Session continued

Rule Discussion

Rules Report

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

General Session continued

Special Agenda

Communication from Ben Schachter regarding request for multiple licenses

Mr. Schachter was present. Commission discussed a communication requesting multiple licenses. Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the request. The motion passed without dissent.

Request for Group License from Debra Lou Segal

Ms. Segal was present. Commission discussed a communication requesting a group license. Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the request. The motion passed without dissent.

Executive Director Comments
Executive Director Crawford discussed live streaming the second day of the FREC meetings and parking for Commission.

Chair's Remarks

Chair Luzier thanked the Division and staff for all of their hard work.

Public Comments

The Commission received one comment from a member of the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 2:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for June 19 and 20, 2018, in Orlando, Florida.

Thomas Luzier, Chair
Florida Real Estate Commission

Lori Crawford, Executive Director
Florida Real Estate Commission