

Jonathan Zachem, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
June 19 and 20, 2018
General Meeting**

June 19, 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 19th day of June 2018.

COMMISSIONERS

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

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

STAFF

Katy McGinnis, Director
Denise Johnson, Deputy Director
Lori Crawford, Executive Director
Al Cheneler, 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 81 Summary of Applicants requesting to sit for the real estate examination.

1. Agenda A, Tab C –Ernest F. Scally, informal, present; represented by Daniel Villazon, Esquire, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
2. Agenda A, Tab AF – Adriana, Mora, present; represented by Daniel Villazon, Esquire, present – Sales associate application approved; Commissioner Schwartz/Fryer; 5-1 vote.
3. Agenda A, Tab AK – Nestor E. Ramos – Vera, present; represented by Daniel Villazon, Esquire, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 5-1 vote.
4. Agenda A, Tab AL – Jose E. Ramos – present; represented by Daniel Villazon, Esquire, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4-2 vote.
5. Agenda B, Tab Q – Kenneth A. Oxsalida, present; represented by Daniel Villazon, Esquire, present – Sales associate application withdrawn.

6. Agenda A, Tab AV – Michael N. Spanos, present; represented by J Oliveira, Esquire, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
7. Agenda A, Tab AJ – Eiden Posada, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4-2 vote.
8. Agenda A, Tab A – Hieu V. Bui, present; Informal hearing – Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth 4-2 vote.
9. Agenda A, Tab B – Christopher J. Rukab, present; Informal hearing – Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; 5-1 vote.
10. Agenda A, Tab D – Starlene Anderson, present – Sales associate application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
11. Agenda A, Tab E – Brock T. Aselage, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
12. Agenda A, Tab F– Eddy F. Avila-Escobar, non-appearance – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
13. Agenda A, Tab G – Kevin Bastos, non-appearance – Sales associate application denied; Commissioner Schwartz/Commissioner Fryer; 5-1 vote.
14. Agenda A, Tab H – Kevin Brown, non-appearance – Continued; waived the 90-day requirement.
15. Agenda A, Tab I – Camille Burke, present – Application withdrawn.
16. Agenda A, Tab J – Lurline E. Callaghan, present – Broker application approved; Commissioner Hornsleth /Commissioner Fryer; unanimous vote.
17. Agenda A, Tab K – Pamela Carpenter, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4-2 vote.
18. Agenda A, Tab L – William D. Craighead, non-appearance – Sales associate application denied; Commissioner Schwartz/ Commissioner Hornsleth; unanimous vote.
19. Agenda A, Tab M – Peggy A. Cullen, present – Sales associate application approved; Commissioner Fryer /Commissioner Hornsleth; 5-1 vote.
20. Agenda A, Tab N – Louis Davis II, present – Sales associate application approved Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
21. Agenda A, Tab O – Phillip M. Della-Sala, present – Amended sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 5-1 vote.
22. Agenda A, Tab P – Ryan W. Flynn, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
23. Agenda A, Tab Q – Angel Goddess, present – Amended sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
24. Agenda A, Tab R – Majid M. Hawari, non-appearance – Rescheduled; waived the 90-day requirement.
25. Agenda A, Tab S – Joeanna Hayes, present – Amended sales associate application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; 4-2 vote.
26. Agenda A, Tab T – James Henderson, present – Sales associate application – tie vote; Commissioner Hornsleth/Commissioner Fryer; no action taken.

27. Agenda A, Tab U – Gracie C. Hernandez – Continued – waived 90 days.
28. Agenda A, Tab V – Justina M. Holland, present – Sales associate application (amended) approved; Commissioner Fryer/Vice Chair Fitzgerald; unanimous vote.
29. Agenda A, Tab W – Jeffrey G. Hoyt, present – Sales associate application (amended) approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
30. Agenda A, Tab X – Jorge L. Jimenez-Justo, present – Sales associate application denied; Commissioner Schwartz/Commissioner Hornsleth; 5-1 vote.
31. Agenda A, Tab Y – Steven R. Koehler, present – Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
32. Agenda A, Tab Z – Natasha C. Logan, non-appearance – Continued; waived the 90-day requirement.
33. Agenda A, Tab AA – Andrew J. Loney, present – Sales associate application approved; Commissioner Fryer/Commissioner Fitzgerald; unanimous vote.
34. Agenda A, Tab AB – Ladi A. March, non-appearance – Continued; waived 90-day requirement.
35. Agenda A, Tab AC – Christopher D. McInnis, present – Broker (out of state) application approved with conditions; Commissioner Schwarz/Commissioner Hornsleth; unanimous vote.
36. Agenda A, Tab AD – Rachele L. McMillon, present – Sales associate application – tie vote; Commissioner Hornsleth/Commissioner Fryer; no action taken.
37. Agenda A, Tab AE – Suzanne V. Melhorn, non-appearance – Sales associate application – tie vote; Commissioner Schwartz/Commissioner Sanchez; no action taken.
38. Agenda A, Tab AG – Anthony J. Nicolosi Jr., present – Sales associate application approved; Vice Chair Fitzgerald/Commissioner Fryer; unanimous vote.
39. Agenda A, Tab AH – Rick, Osorio, Continued; waived 90-day requirement.
40. Agenda A, Tab AI – Fred L. Pierre Jr., present – Sale associate application approved; Commissioner Schwartz/Commissioner Fryer unanimous vote.
41. Agenda A, Tab AM – Stephanie I. Rhodes, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
42. Agenda A, Tab AN – A. Ricalo, non-appearance – Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz; unanimous vote.
43. Agenda A, Tab AO – Ristemov Ussouf – Application withdrawn.
44. Agenda A, Tab AP –Eury X. Rodriguez-Lopez, present – Sales associate application denied; Commissioner Sanchez/Fryer; unanimous vote.
45. Agenda A, Tab AQ – Joel Rodriguez, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
46. Agenda A, Tab AR – Rigoberto Rodriguez Sr., non-appearance – Sales associate application denied; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
47. Agenda A, Tab AS – Kai V Sanders, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
48. Agenda A, Tab AT– Spencer Schwartz, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

49. Agenda, Tab AU – Ahsan, Shaikh, present – Sales associate application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; 5 -1 vote.
50. Agenda A, Tab AW – Julie Steinbauer ,present – Sales associate application – tie vote; Commissioner Hornsleth/Commissioner Schwartz; no action taken.
51. Agenda A, Tab AX – Stephon D. Teasley, Sr. – Continued; waived 90-day requirement.
52. Agenda A, Tab AY – Brandy N. Thomas, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
53. Agenda A, Tab AZ – Jacquella Tilley, Continued; waived 90-day requirement.
54. Agenda A, Tab BA – Dolan L. Waite, present – Sale associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote
55. Agenda A, Tab BB – Christopher Welton, present – Sales associate approved; Commissioner Fryer/Commissioner Schwartz unanimous vote.
56. Agenda A, Tab BC – Amanda M. Youst, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
57. Agenda B, Tab A – Nicole Anderson, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
58. Agenda B, Tab B –Chodry Andre, present – Sales associate application approved conditional; Commissioner Fryer/Vice Chair Fitzgerald; 4-1 vote.
59. Agenda B, Tab C – Massiana Augustine, present – Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.
60. Agenda B, Tab D – Sandra A. Betton, present – Sales associate (Amended) application denied; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.
61. Agenda B, Tab E – Jennifer L. Cunningham, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Schwartz; unanimous vote.
62. Agenda B, Tab F – Abdush S. Dubose, present – Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
63. Agenda B, Tab G – Shavonne M. Edgecombe, present – Sales associate application approved; Commissioner Sanchez/Commissioner Hornsleth; 5-1 vote.
64. Agenda B, Tab H – Ibrahim Elsamra, present – Sales associate (amended) application – tie vote; Commissioner Fryer/Vice Chair Fitzgerald; no action taken.
65. Agenda B, Tab I – Abigail M. Exner, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
66. Agenda B, Tab J – Yusuf Thorne, present – Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
67. Agenda B, Tab K – Damian Kondrotas, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
68. Agenda B Tab L – Eliana Lopez, non-appearance – Sales associate application denied; Commissioner Fryer/Commissioner Hornsleth; unanimous vote.

69. Agenda B, Tab M – Mercedes A. Martinez, present – Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.
70. Agenda B, Tab N – Robby A. Munoz, non-appearance – Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; 5-1 vote.
71. Agenda B, Tab O – Maria L. Ortega, present – Sales associate application denied; Commissioner Schwartz/Commissioner Fryer; unanimous vote.
72. Agenda B, Tab P – Samuel B. Oxendine, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 5-1 vote.
73. Agenda B, Tab R – Juystyn Parrillo, present – Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 5-1 vote.
74. Agenda B, Tab S – Charisse D. Persley, not present – Continued; waived the 90-day requirement.
75. Agenda B, Tab T – Karina Quiceno, not present – Continued; waived the 90-day requirement.
76. Agenda B, Tab U – Joseph T. Sabourin, not present – Continued; waived the 90-day requirement.
77. Agenda B, Tab V – Rose M. Serrano-Vergas, present – Sales associate application denied; Commissioner Schwartz/Commissioner Fryer; 4-2 vote.
78. Agenda B, Tab W – Zachary J. Sevigny, present – Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; 6-0 vote.
79. Agenda B, Tab X – Genevieve A. Stone, present – Sales associate application approved; Commissioner Fryer/Commission Schwartz; unanimous vote.
80. Agenda B, Tab Y – Pamela H. Wilburn, present – Sales associate application approved; Commissioner Fryer/Commission Hornsleth; unanimous vote.
81. Agenda B, Tab Z – Jennifer Wolfe, present – Sales associate application denied; Commissioner Fryer/Vice Chair Fitzpatrick; 5-1 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 3:00 p.m. until 8:30 a.m. tomorrow.

June 20, 2018

Chair Luzier reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 20th day of June 2018.

COMMISSIONERS

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

Mr. Tom Barnhart, Senior Assistant Attorney General appeared as counsel for the Commission. Mr. Barnhart 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 (via video conference)
Roger Mass, Senior Attorney (via video conference)
Alicia Jimenez, Senior Attorney (via video conference)
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
- Financial Reports
- Legal Case Activity Report

Division staff addressed questions and comments from the Commission.

Consent Agenda A

The Commission considered 17 applicants from the Consent Agenda A; Commissioner Hornsleth moved to approve and Commissioner Sanchez seconded the motion to approve 11 applicants and require 6 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Baird, Jonathan Raynard V.	Quasky, Edward Richard	Rickel, Ralph Ellsworth III
Campbell, Corey Shawn	Quiles, Jessica	Theodoris, Dorothy
Gough, John Andrew	Raynes, Tyler Harling	Vera, Rachel
Phan, Minh Hieu N.	Ribas, Eduardo Jose	

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

Davidson, Willa Tori	Johnson, John	Roque Ramos, Jose A.
Florez, Bleidy Alejandra	Mcadams, Garrett Jerome	Wirth, John Cahill

Consent Agenda B

The Commission considered 34 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 18 applicants and require 16 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Alvarez, Eduardo	Musenga, Tina	Ruiz, Sheilla
Camposano, David	Nicholson, Glynn Christian	Stapleton, Roger Steven Jr
Cross, Joshua	Norris, Demarcus	Swanson, Felicity L
Holm, Ryan	Olson, Megan Stuart	Williams, Kevin
Johnson, Alexandra Melyn	Quesada, Yordy	Williams, Mark
Kennedy, Timothy	Robinson, Shawn Henri	Williams, Trimaie Khiry

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

Ahmann, Ryan	Fry, Mark Edward	Reiss, Demeitre Vincent
Casanova, Pamela	Gilbert, Thuong Mong	Rodriguez, Maria C.
Coll, Francisco Daniel	Gillette, James Anthony	Selig, Jack Matthews
Desue, Wenston B.	Marquez, Joan Sebastian	Silverman, Mark Brian
Dippolito, Michael	Obrien, Kenneth	Williams, Ashley Katrice
Evans, Kristie		

Legal Agenda Schedule

Escrow Disbursement Orders – Agenda

Mr. Cheneler presented 22 Escrow Disbursement Orders and 7 Orders for Interpleader for the Commission's consideration. Commissioner Sanchez was recused from Tabs: C, I, M, P, Q, V, and AA. The Commission entered into discussion. The Commission members, with Commissioner Sanchez being recused, unanimously approved Tabs I, M, P, Q and V as written and approved C and AA as amended.

The Commission considered the remaining matters and entered into discussion. The Commission unanimously approved Tabs B, D, F-H, J-L, N-O, R-U, W-Y and AB-AC as presented; Tab E as corrected; and Tabs A, L, X and Z as amended.

Recovery Fund Claims

Tab A – Lona Fonville v. Leaza Lopez, DBPR Case No. 2017-051944

Mr. Fortunas presented the above matter to the Commission. Neither the Licensee nor the Claimant was present. The Licensee was not present. Mr. Fortunas recommended the Commission grant the request. The Commission considered the facts and circumstances. Commissioner Sanchez moved to deny the Recovery Fund Claim. Commissioner Fryer seconded the motion. The motion passed without dissent.

Legal Appearance Docket

Tab I – Richard Vecchio, BK 3102801; Case No. 2017018955 – Settlement Stipulation

Respondent was not present; Respondent was represented by Daniel Villazon, Esquire, present. 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 Hornsleth moved; seconded by Commissioner Schwartz; motion passed 4-2 to accept the Settlement Stipulation.

Penalty: Administrative fine of \$500.00; investigative costs of \$165.00; complete a 4-hour escrow management course. **Violation(s):** Section 475.25(1)(e), Florida Statutes, through a violation of Rule 61J2-10.032(1)(a), 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.

Action Taken: Settlement Stipulation accepted.

Tab A – Julie Lynn Anderson, BK 3067285; Case No. 2016056193 – Respondents 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 Hornsleth moved; seconded by Vice-Chair Fitzgerald; to find the Respondent guilty as charged in the Administrative Complaint; the motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fryer seconded the motion; the motion passed 5-1 to impose the following sanctions:

Penalty: Administrative fine of \$1,000.00; investigative costs of \$1,179.75; complete a 4-hour escrow management course; probation for 6 months. **Violation(s):** Section 475.25(1)(e), Florida Statutes, in one or more of the following ways: failing to have an itemized list of the broker's trust liability for the rental distribution account; failing to make one or more required monthly reconciliation statements; Section 475.25(1)(k), Florida Statutes, when she failed to keep rental funds in a trust or escrow account until disbursement; Section 475.25(1)(b), Florida Statutes, including but not limited to one or more of the following ways: by failing to have an itemized list of the broker's trust liability for the rental distribution account; by failing to make one or more required monthly reconciliation statements; by transferring rental funds from her escrow account into her operating account; by failing to keep rental funds in a trust or escrow account until disbursement; and by intermingling rental funds with Respondent's own money.

Tab B – Katherine Frances Moran, SL 3117802; Case No. 2017033410 – Voluntary Relinquishment for Permanent Revocation

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. Commissioner Fryer moved; Vice-Chair Fitzgerald seconded the motion to accept the Voluntary Relinquishment for Permanent Revocation; the motion passed without dissent.

Action Taken: Voluntary Relinquishment of License for Permanent Revocation accepted.

Tab C – Rochelle Martell, SL 3100153; Case No. 2017007025 – Voluntary Relinquishment for Permanent Revocation

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. Commissioner Fryer moved; Vice-Chair Fitzgerald seconded the motion to accept the Voluntary Relinquishment for Permanent Revocation; the motion passed without dissent.

Action Taken: Voluntary Relinquishment of License for Permanent Revocation accepted.

Tab D – 305 Miami Realty LLC, CQ 1037338; Case No. 2017010209 – Motion 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 Commission Fryer to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent.

Commissioner Hornsleth moved, seconded by Commission Fryer; the motion passed without dissent to impose the following sanctions:

Penalty: Revocation; investigative costs of \$346.50. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to deliver the deposit to owner after the termination of property management services; Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-10.038(2), Florida Administrative Code, when they failed to update their current address.

Tab H – Lionel Nielson Perez, BK 3095412; Case No. 2017003650 – Motion 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. 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; investigative costs of \$693.00. **Violation(s):** Section 475.25(1)(d), Florida Statutes, by failing to deliver the Deposit to Owner after the termination of property management services; Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-10.038(2), Florida Administrative Code, when they failed to update their current address.

Tab E – Richard Joel Albrecht III, SL 3062131; Case No. 2017020437 – Motion 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. Maas represented the department and presented the case to the Commission. After discussion, Commissioner Fryer moved, seconded by Commissioner Hornsleth to find the Respondent guilty as charged in the Administrative Complaint; motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Hornsleth; the motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation; investigative costs of \$113.85. **Violation:** Section 475.25(1)(e), Florida Statutes, in one or more of the following ways: by failing to pay the \$500 administrative fine; by failing to pay the \$165.00 administrative costs; and/or by failing to attend one two-day FREC meeting, all within six months of the effective date of the Final Order.

Tab F – Gregory Alan Mizelle, BK 686637; Case No. 2017017684 – Motion 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.

Ms. Jimenez represented the department and presented the case to the Commission. Ms. Jimenez stated that the Respondent requested a continuance. The Commission entered into discussion and granted the waiver hearing. Commissioner Fryer moved, seconded by Vice-Chair Fitzgerald to continue the matter until July 2018; the motion passed 4-2.

Action taken: Waiver hearing continued.

Tab G – Melissa Leight Norton, BK 3335055; Case No. 2017020384 – Motion 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.

Ms. Jimenez represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved, seconded by 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 \$445.83. **Violation(s):** Section 475.25(1)(d)1 in one or more of the following ways: By refusing to deliver rent monies to Complainant from his properties that Respondent managed for him; By refusing to account for the rent monies she received from the properties of Complainant, to the Complainant; By refusing to account for the expenses incurred for the properties Respondent managed for Complainant.

Tab J – Joseph Michael Winpisinger, SL 3268729; Case No. 2017032761 – Motion 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. 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: Revocation; investigative costs of \$231.00. **Violation(s):** Section 455.227(1)(t), Florida Statutes, by failing to inform the Commission in writing after: pleading Nolo Contender to Reckless Driving; pleading Nolo Contender to Battery Touch or Strike (Domestic Violence); and/or pleading Nolo Contender to Criminal Mischief Less than \$200.

Review and Consideration of the Real Estate Education Courses

Agenda A

Tab B – Florida Real Estate Salesperson Pre-license Course - New Course (63 hours, distance) - application number 33287 – @ Your Pace Online

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

Tab C – Commercial Real Estate Negotiation - New Course (7 hours, classroom) -application number 33136 – 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 D – CRS 133 op of Mind Techniques to Boost Your Brand - New Course (8 hours, classroom) - application number 33254 – 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 Sanchez seconded the motion. The motion passed without dissent.

Tab E – *Professional Standards Training* - New Course (E&B) (3 hours, classroom) - application number 33571 – Florida Association of Realtors

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

Tab F – *Real Estate of Mind* - New Course (did not request hours, classroom) - application number 33224 – How 2 Guys LLC

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

Tab G – *Technology: The Next Level in Real Estate* - New Course (4 hours, distance) - application number 33309 – Van Education Center LLC

The applicant was not present in support of the application. Commissioner Ketcham was recused from voting on this 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 H – *Professional Standards* – New Course (E&B)(3 hours, specialty) – application number 33310 – Van Education Center LLC

The applicant was not present in support of the application. Commissioner Ketcham was recused from voting on this 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.

Agenda B

Tab A – *Florida 3 Hr NAR Code of Ethics for Real Estate Professionals* – New Course (3 hours, distance) – application number 32515 – @ Your Pace Online

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

Tab B – *Code of Ethics* – New Course (3 hours, classroom) – application number 33453 – Pinellas Suncoast Association of Realtors Inc.

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Schwartz moved to deny the course; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

Tab C – *Working in Teams* – New Course (**core law**) (4 hours, distance) – application number 33457 – RealEstateCE.com

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

Tab D – *Commercial Real Estate Investing* – New Course (**core law**) (4 hours, distance) -application number 333462 – RealEstateCE.com

The applicant was 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.

FREC – Petitions

Petition for Declaratory Statement received from Dale Sorensen Real Estate. – DS 2018-019

FREC Counsel Barnhart presented a Petition for Rule Declaratory Statement received from the Petitioner for the Commission's review and consideration. Petitioner was present. Commissioner Fryer moved to approve the petition with conditions; Commissioner Sanchez seconded the motion. The motion passed without dissent.

Petition for Declaratory Statement received from George Mosle and Alison Williams. – DS 2018-036

FREC Counsel Barnhart presented a Petition for Rule Declaratory Statement received from the Petitioner for the Commission's review and consideration. Petitioner was present. Petition was represented by counsel. Commissioner Fryer moved to deny the petition; Commissioner Hornsleth seconded the motion. The motion passed without dissent.

General Session continued

Rule Discussion

Rules Report

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

Attorney General Report

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

Rule 61J2-24.001 Florida Administrative Code – Disciplinary Guidelines Discussion

FREC Counsel Barnhart requested that discussion be continued to August 2018 FREC meeting.

Rule 61J2-24.002 Florida Administrative Code – Citation Authority Discussion

FREC Counsel Barnhart requested that discussion be continued to August 2018 FREC meeting.

Rule 61J2-24.003 Florida Administrative Code – Notification of Noncompliance Discussion

FREC Counsel Barnhart requested that discussion be continued to August 2018 FREC meeting.

General Session continued

Special Agenda

Communication from Edgar Daniel Chiza regarding request for extension on end-of-course exam

Mr. Chiza was present. Commission discussed a communication requesting an end-of-course exam extension. Commissioner Fryer moved; seconded by Commissioner Ketcham to approve the request. The motion passed 6-1.

Communication from Jeffrey Glickman regarding request for multiple broker license

Mr. Glickman was not present. Others were present on his behalf. Commission discussed a communication requesting multiple broker licenses. Commissioner Schwartz moved; seconded by Commissioner Fryer to deny the request. The motion passed without dissent.

Discussion Relating to Broker Qualifications Standards

Vice-Chair Fitzgerald provided a brief report relating to communications with Florida Realtors and stated that this issue will be discussed at the August Florida Realtors Convention. Chair Luzier stated that he was invited to the discussion at the convention and added that they will provide an update of the discussions at the August FREC meeting.

Case Law Update

Mr. Barnhart presented a case law update relating to revocation and addressed questions and comments from the Commission.

2019 FREC Calendar

Executive Director Crawford presented the 2019 FREC Calendar. After discussion, Vice-Chair Fitzgerald moved; seconded by Commissioner Fryer to approve the calendar. The motion passed without dissent.

Executive Director Comments

Executive Director Crawford discussed potential interest in upcoming Commissioner College at the next ARELLO Conference. Ms. Crawford also discussed a new process for reserving hotels for FREC meetings, updates on the live streaming and addressed questions from the Commission.

Chair's Remarks

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

Public Comments

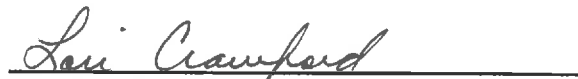
The Commission received three comments from members of the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 1:15 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for July 17 and 18, 2018, in Orlando, Florida.



Thomas Luzier, Chair
Florida Real Estate Commission



Lori Crawford, Executive Director
Florida Real Estate Commission