Minutes of
THE FLORIDA REAL ESTATE COMMISSION
July 17 and 18, 2018
General Meeting

July 17, 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 17th day of July 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
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 A – Aliyah Baker, informal, present; represented by Daniel Villazon, Esquire, present – Sales
associate application approved with conditions; Commissioner Hornsleth/Commissioner Fryer; 5-2 vote.

2. Agenda A, Tab F – Darien J. Borges, present; represented by Daniel Villazon, Esquire, present – Sales
associate application approved; Commissioner Hornsleth/Fryer; 6-1 vote.

3. Agenda A, Tab AM – Mark B. Silverman, present; represented by Daniel Villazon, Esquire, present – Sales
associate application approved; Commissioner Hornsleth/Commissioner Fryer; 6-1 vote.

4. Agenda A, Tab AB – Christopher L. Mobley – present; represented by Steve Johnson, Esquire, present
– Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; 4-2 vote.
5. Agenda A, Tab E – Giselle M. Aquino, present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

6. Agenda A, Tab B – Melissa Di Pasquale, present; Sales associate application approved with conditions; Commissioner Fryer/Commissioner Hornsleth; 4-2 vote.

7. Agenda A, Tab C – Starlene, Anderson Continued – waived 90 days.


9. Agenda A, Tab G- Kevin Brown, – present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 4-3.

10. Agenda A, Tab H – Ivy Camacho – present; Sales associate application denied; Commissioner Ketcham/Commissioner Schwartz; unanimous vote.

11. Agenda A, Tab I – Pamela Casanova – Continued and waived 90 day.

12. Agenda A, Tab J – Kerri M. Chamberlin – non-appearance; - Sales associate application denied; Commission Ketcham/Commissioner Sanchez; unanimous vote

13. Agenda A, Tab K – Francisco D. Coll – non-appearance; Sales associate application denied; Commissioner Sanchez /Commissioner Fryer; unanimous vote.

14. Agenda A, Tab L – Willa T. Davidson – present; Sales associate application denied; Commissioner Hornsleth/Commissioner Sanchez; 4-3 vote.

15. Agenda A, Tab M – Michael Dippolito – present; Amended sales associate application approved; Commissioner Fryer/ Commissioner Hornsleth; 4-3 vote.

16. Agenda A, Tab N – Kristie Evan – present; Sales associate application approved; Commissioner Fryer /Commissioner Hornsleth; 6-1 vote.

17. Agenda A, Tab O – Wayne A. Faison Jr. – present; Amended sales associate application approved; Commissioner Hornsleth/Commissioner Sanchez; unanimous vote.

18. Agenda A, Tab P – Bledy A. Florez – present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

19. Agenda A, Tab Q – Mark E. Fry; Continued and waived 90 day.

20. Agenda A, Tab R – Zulia Garcia-Barrera; Continued and waived 90 day vote.

21. Agenda A, Tab S – Thuong M. Gilbert – present; Sales associate application approved; Commissioner Schwartz/Commissioner Ketcham; 6-1.

22. Agenda A, Tab T – James A. Gillette – present; Amended sales associate application approved with conditions; Vice Chair Fitzgerald/Commissioner Fryer; unanimous vote.

23. Agenda A, Tab U – April Gordon – present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

24. Agenda A, Tab V – Deanna L. Hunter – present; Sales associate application approved; Commissioner Ketcham/Commissioner Fryer; unanimous vote.

25. Agenda A, Tab W – John Johnson – present; Sales associate application approved, Commissioner Fryer/Vice Chair Fitzgerald; unanimous vote.

26. Agenda A, Tab X – David H. Key – present; Sales associate application approved; Commissioner Schwartz/Commissioner Hornsleth; unanimous vote.
27. Agenda A, Tab Y – Ladi A. March – non-appearance; Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz unanimous vote

28. Agenda A, Tab Z – Joan S. Marquez – present; Sales associate application approved; Vice-Chair Fitzgerald/Commissioner Fryer unanimous vote.


30. Agenda A, Tab AC – Blake L. Weathery – present; Sales associate application approved; Commissioner Fryer/Commissioner Hornsleth; 6-1 vote

31. Agenda A, Tab AD – Kenneth O’Brien – non-appearance; Sales associate application denied; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

32. Agenda A, Tab AE – Adaily Perez – present; Withdrawn.

33. Agenda A, Tab AF – Charisse D. Persley – Continued, waived 90 days.


35. Agenda A, Tab AH – Maria C. Rodriguez – present; sales associate application denied; Commissioner Schwartz/Vice Chair Fitzgerald; unanimous vote.

36. Agenda A, Tab AI – Joanmari Roldan – Continued, waived 90 days.

37. Agenda A, Tab AJ– Jose A. Roque-Ramos – present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

38. Agenda A, Tab AK – Joseph T. Sabourin – present; Sales associate application approved with conditions; Commissioner Sanchez/Commissioner Fryer; 6-1 vote.

39. Agenda A, Tab AL – Jack M. Selig – present; Sales associate application approved; Commissioner Schwartz/Vice Chair Fitzgerald; unanimous vote.

40. Agenda A, Tab AN – Stephon D. Teasley – present; Sales associate application denied; Commissioner Sanchez/Commissioner Ketcham; unanimous vote.

41. Agenda A, Tab AO– Ashley K. Williams – present; Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; 5-2 vote.

42. Agenda A, Tab AP – John C. Wirth – present; Sales associate application approved with conditions; Vice Chair Fitzgerald/Commissioner Fryer; 5-2 vote.

**Agenda B**

43. Agenda B, Tab A – Justin J. Braga – present; Sales associate application approved; Commissioner Hornsleth/Commissioner Fryer; unanimous vote.

44. Agenda B, Tab B– Isaac Caballeiro – non-appearance; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; 6-1 vote.

45. Agenda, B, Tab C – Carlos Camacho – present; Sales associate application approved with conditions; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

46. Agenda B, Tab D – Bridget Caridad – present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; 6-1 vote.

47. Agenda B, Tab E – Justin A. Ellington – present; Sales associate application approved; Commissioner Sanchez/Commissioner Hornsleth; 6-1 vote.
48. Agenda B, Tab F – Marilola Figueredo – present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

49. Agenda B, Tab G – Rondrietta A. Foust – present; Sales associate application approved; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

50. Agenda B, Tab H – Principe R. Hornaeche – non-appearance; Sale associate application denied; Commissioner Fryer/Commissioner Sanchez; unanimous vote.

51. Agenda B, Tab I – Torrey Howard – present; Sales associate denied; Commissioner Sanchez/Commissioner Fryer; 5-2 vote.

52. Agenda B, Tab J – Erika Koger – non-appearance – Sales associate application denied; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

53. Agenda B, Tab K – Alan S. Lefkin – Continued, waived 90 days.

54. Agenda B, Tab L – Luis C. Martinez – present; Sales associate application approved; Commissioner Fryer/Commissioner Schwartz; unanimous vote.

55. Agenda B, Tab M– Justin D. Moldan – present; Sales associate application approved; Commissioner Fryer/Vice Chair Fitzgerald 4-3 vote.

56. Agenda B, Tab N – Rick Osorio – Continued, waived 90 days.

57. Agenda B, Tab O – Cheri A. Pahlavi-Richason – present; Sales associate application denied; Commissioner Sanchez/Commissioner Ketcham; unanimous vote.

58. Agenda B, Tab P – Euclides Peralta – present; Sales associate application approved with conditions; Commissioner Fryer/Vice Chair Fitzgerald; unanimous vote.

59. Agenda B, Tab Q – Chase M. Richardson – non-appearance; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.

60. Agenda B, Tab R – Mark C. Richardson – present; Sales associate application approved; Commissioner Fryer/Vice Chair Fitzgerald; unanimous vote.


Agenda C

62. Agenda C, Tab A – Shannon A. Crisp – non-appearance; Sales associate application denied; Commissioner Sanchez/Commissioner Hornsleth; unanimous vote.

63. Agenda C, Tab B – Jared Pasquarelli – non-appurtenance; Sales associate application approved; Commissioner Schwartz/Commissioner Fryer; unanimous vote.

64. Agenda C Tab C – Max A. Ring – non-appearance; Sales associate application denied; Commissioner Sanchez/Commissioner Schwartz; 4-3 vote.

65. Agenda C, Tab D – Kathleen Shoemaker-Burke – present; Sales associate application approved; Commissioner Sanchez/Commissioner Fryer; unanimous vote.

Consent Agenda A

The Commission considered 43 applicants from the Consent Agenda A; Commissioner Hornsleth moved; Commissioner Fryer seconded the motion to approve 29 applicants and require 14 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.
The following applicants were approved:

Arjona, Raymond I.  
Bliss, Michael Nui  
Booher, Kirk  
Cole, Prudence  
Cundiff, Brooks  
Gregoire, Joshua Krystofer  
Housh, Derek John  
Ibrahim, Mohamed  
Kushner, Price Jeffrey  
Laroussi, Anouar Andre

Levy, Alan  
Martinez, Arama Omar  
Mena, Jenny L  
Nichols, Margaret  
Nikollaj, John  
Perminov, Stanislav  
Pierre, Johame  
Ramirez, Pablo  
Rentschler, Amanda Jewell  
Reyes, Juan

Rodriguez, Ruben  
Sapp, Willie Edward  
Simon, Michel  
Smith, Ciarra Hope  
Swift, Ashley Rebecca  
Toussaint, Todd  
Turner, Grayden  
Versace, Andrew Joseph  
Williams, Rayshan

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

Arevalo, Ashley  
Grant, Kia Brielle  
Jemison, Jason A.  
Kadri, Susan Iva  
Montanez, Luis Anibal Jr.

Moshholder, Meagan  
Perez Alejo, Dennys A.  
Quinn, Clarice Tarlynn  
Rinaldi, Tobias  
Rossi, Angela Grace

Tyner, Mark Benjamin  
Woods, Valencya McKenna  
Wright, Marcus Antonio Sr.  
Young, Michael Wayne Jr.

Consent Agenda B

The Commission considered 19 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 8 applicants and require 11 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Anderson, Brian Lee  
Castellanos, Francisco Javier  
Houghton, Hannah M

Perez, Daniela  
Rockey, Sarah Hill  
Shanstrom, Robert Joseph

Smith, Donald Frank II  
Velez, Anibal Jr.

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

Camenzuli, Lori  
Granda Calderin, Raul Adrian  
Kelly, Tami  
Long, Amy

Mbano, Ndubuisi Callistus  
Molinari, Stephen Frank  
Rance, Danielle Holly  
Rivera, Samantha

Simes, Emily Nicole  
Smallwood, Gary M.  
St Vil, Berry

Public Comments

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

Recess

There being no objection, the Chair recessed the meeting at approximately 3:30 p.m. until 8:30 a.m. tomorrow.
July 18, 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

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)
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.

Legal Agenda Schedule

Escrow Disbursement Orders – Agenda

Mr. Cheneler presented 9 Escrow Disbursement Orders, and 1 Order for the Commission's consideration. Commissioner Sanchez was recused from Tab B. The Commission entered into discussion. The Commission unanimously approved all the Escrow Disbursement Orders and the remaining Order.

Legal Appearance Docket

Tab B – Gregory A. Mizelle, BK686637; Case No, 2017017684 – Respondent's Request for a Motion 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;

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: Investigative costs of $404.25; 2 complete FREC meetings; probation for 6 months. Violation(s): Section 475.25(1)(f), Florida Statutes in one or more of following ways: by entering pleas of guilty to and being adjudicated guilty of the charges of violating a domestic violence protective order and burglary of a structure; by entering pleas of guilty to and being adjudicated guilty of the charges of destroying or damaging an electronic monitoring device and violating a protective injunction against domestic violence; by entering a plea of guilty to and being adjudicated guilty to the charge of Attempted Burglary of a Structure; by entering a plea of guilty to the offense of and being adjudicated guilty of Petit Theft of over
$100 but less than $300; by entering a plea of nolo contendere to and being adjudicated guilty of the crime of Resisting an Officer Without Violence; by entering a plea of nolo contendere to and being adjudicated guilty of the crime of violating a protective injunction against domestic violence; by entering a plea of guilty to and being adjudicated guilty of the crime of reckless driving.

Tab A – Home Sweet Home Services LLC, CQ1047089; Case No. 2017002820 – Respondent’s Request for Motion for Waiver of Rights and Entry of Final Order

Respondent was not present; Respondent was not represented by counsel. Commissioner Schwartz served on probable cause. Commissioner Schwartz was excused and not present.

Mr. Fortunas represented the department and presented the case to the Commission. After discussion, Commissioner Fryer moved to moved; seconded by Commissioner Hornsleth; the motion passed 5-1 to impose the following sanctions;

Penalty: Administrative fine of $2,000.00; investigative costs of $660.00; probation for 6 months. 
Violation(s): Section 475.25(1)(e), Florida Statutes, in one or more of the following ways: Respondent failed to have an itemized list of the broker’s trust liability for the rental distribution account; Respondent did not make one or more required monthly reconciliation statements; Section 475.25(1)(k), Florida Statutes, when he failed to keep rental funds in a trust or escrow account until disbursement.

Review and Consideration of the Real Estate Education Courses

Tab L – Working with Both International Buyers & Your Seller and Staging a Home for Success - New Course (3 hours specialty, classroom) – application number 33521 – Walk the Talk Presentations Inc.

The applicant was present in support of the application. The Commission entered into discussion. Commissioner Fryer moved to approve the course; Commissioner Ketcham seconded the motion. The motion passed 5-1.

Tab A – Understanding & Maximizing Consumer Credit Scores – New Course (3 hours specialty, classroom) – application number 33520 – Birch Wood Credit Services Inc.

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 B – Ethics and Business Practices – New Course (3 hours E&B, classroom) – application number 33769 – Buckeye Educational Services LLC

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

Tab C – How to Become a Power Agent in Real Estate – New Course (3 hours specialty, classroom) – application number 32616 – Darryl Davis Seminars

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

Tab D – Code of Ethics – New Course (3 hours E&B, classroom) – application number 33500 – Emerald Coast 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 Sanchez seconded the motion. The motion passed without dissent.
Tab E – *Introduction to Florida Property Management and Leasing Agreements* – New Course (3 hours specialty, classroom) – application number 33684 – Florida School of Real Estate Online and In Class

The applicant was not present in support of the application. The Commission entered into discussion. Commissioner Ketcham moved to approve the course; Commissioner Fryer seconded the motion. The motion passed 4-2.

Tab F – *Growing Your Business* – New Course (6 hours combination law, specialty and E&B, classroom) – application number 33522 – Florida State Chapter of NARPM

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 4-2.

Tab G – *Maintenance: Basics and Beyond* – New Course (? Hours combination law, specialty and E&B, classroom) – application number 33641 – Florida State Chapter of NARPM

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 H – *Florida 14-Hour continuing Education* – New Course (14 hours combination law, specialty and E&B, distance) – application number 33572 – Institute of Real Estate Education 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 I – *VA Loan Certified* – New Course (4 hours specialty, distance) – application number 33652 – Preferred Systems 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 Ketcham seconded the motion. The motion passed without dissent.

Tab J – *What you don’t know can hurt you, Florida License Law* – New Course (? Hours Core Law, classroom/live stream) - application number 33619 – Real Estate Systems Training Institute

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

Tab K – *Listing and Technological Ethics* – New Course (3 hours E&B, distance) – application number 33419 – Real Estate Training Institute, a Division of Certified Training

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.

General Session continued

**FREC – Petitions**

Petition for Declaratory Statement received from Matthew Kwasman Real Estate. – DS 2018-047

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 deny the petition; Commissioner Sanchez seconded the motion. The motion passed without dissent.
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.

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.

Rule 61J2-10.025 Florida Administrative Code – Advertising Discussion

FREC Counsel Barnhart and the Commission discussed potential changes to the rule.

Rule 61J2-3.008 Florida Administrative Code – Pre Licensing Education Discussion

FREC Counsel Barnhart and the Commission discussed potential changes to the rule.


FREC Counsel Barnhart and the Commission discussed potential changes to the rule.

General Session continued

Special Agenda

Informal Hearing - 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. Vice-Chair Fitzgerald moved; seconded by Commissioner Sanchez to deny the request. The motion passed 4-2.

Request for Multiple License – Jonathan Schon

Mr. Schon was present. Commissioner Sanchez recused himself. The Commission entered into discussion. Commissioner Fryer moved; seconded by Vice-Chair Fitzgerald to deny the request. The motion passed 6-0.

General Inquiries

The Commission addressed the following inquiries relating to Team Advertisement:

- The Commission agreed that a domain name and email address (for both a team and team members) is not considered advertising under rule 61J2-10.026.
- The Commission agreed that when two licensees advertise properties together including licensees individual names, and/or licensees photos but do not include a team, there will be no presumption that they work as a team or group.
- The Commission agreed all marketing advertisements relating to teams including small trinkets and gifts must comply with Rule 61J2-10.026, regardless of the printer criteria.
The Commission agreed that enforcement of any portion of the rule will not commence until July 1, 2019, including the requirement to have a written records of the teams currently in a brokerage company.

Discussion Relating to Broker Qualifications Standards

Chair Luzier continued discussion and presented plan to further research into the model of other states as it pertains to obtaining a Broker’s license. States were assigned to various Commissioners.

Executive Director Comments

Executive Director Crawford announced that Commissioner Schwartz had an excused absence.

Ms. Crawford inquired what Commissioners were interested in attending ARELLO in September. Vice-Chair Fitzgerald and Commissioners Fryer, Hornsleth and Ketcham responded affirmatively.

Last, Ms. Crawford reported that she would be traveling with Deputy Director Johnson and Bureau Chief Kimmig to Bonita Springs for an outreach presentation before members of the Bonita Springs-Estero Realtors.

Chair’s Remarks

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

Public Comments

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

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 1:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for August 13 and 14, 2018, in Orlando, Florida.

Thomas Luzier, Chair
Florida Real Estate Commission

Lori Crawford, Executive Director
Florida Real Estate Commission