Minutes of
THE FLORIDA REAL ESTATE COMMISSION
October 17, 18 and 19, 2017
General Meeting

Chair Chip Boring, 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 October, 2017.

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

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

STAFF
Denise Johnson, Deputy Director
Lori Crawford, Executive Director
Josh Kendrick, Chief Attorney
Allison Parker, Deputy Chief Attorney
Alicia Bhambhani, Assistant General Counsel
Warren Sanger, Operations Support Unit Supervisor
Janice Lugo, Regulatory Consultant
Mike Davis, Regulatory Specialist, Supervisor/Consultant
American Court Reporting, Inc. (407) 896-1813 provided court services.

October 17, 2017

Minutes

Vice-Chair Luzier moved; seconded by Commissioner Fitzgerald to approve the August 2017 FREC minutes.

Summary of Applicants

Operations Support Supervisor Warren Sanger presented 63 Summary of Applicants requesting to sit for the real estate examination.

1. Tab R – Max Contador, not present; was represented by Steven Johnson, Esquire, present – Applicant continued and waived 90-day requirement.

2. Tab U – Owen Richard Galvin, present; was represented by Steven Johnson, Esquire, present – Application withdrawn

3. Tab AW – Luis Ruiz, present; was represented by Steven Johnson, Esquire, present – Applicant withdrawn
4. Tab BB – Matthew Scott Turner, present; was represented by Nancy Campiglia, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.

5. Tab C – Vatoria Abranches, present; was represented by Daniel Villazon, Esquire, present – Commissioner Ketcham moved; seconded by Vice-chair Luzier to deny the application for sales associate; the motion passed 5-2.

6. Tab G – Erik Dion Barnhart, present; was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed 6-1.

7. Tab AF – Richard Jackson, present; was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

8. Tab AK – Adriana Mora, present; was represented by Daniel Villazon, Esquire, present – Application withdrawn

9. Tab AL – David Naimie, present; was represented by Daniel Villazon, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

10. Tab BG – Harold Dean Weeks, present; was represented by Daniel Villazon, Esquire, present – Application withdrawn

11. Tab O – Vasha Carter, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

12. Tab X – Cristobal Gonzalez, present; interpreter, present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

13. Tab L – Gary Leonard Bryant Jr., present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

14. Tab A – Althea Rae Lynn Reyes, present, informal – Commissioner Hornsleth moved; seconded by Commissioner Schwartz to set aside the notice of intent to deny and approve the application for sales associate; the motion passed without dissent.

15. Tab B – Bryann Wellington Workman, present, informal – Notice of intent to deny stands. Applicant remains denied.

16. Tab D – Taufik Antonio Abuchaibe, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate with conditions; the motion passed without dissent.

17. Tab E – Jason Vieira Albuquerque, present – Application withdrawn

18. Tab F – Erik Askevold, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.

19. Tab I – Matthew Blakely, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed without dissent.

20. Tab J – Michael Edward Breit, present – Commissioner Schwartz moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

21. Tab K – Riann Brown, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.
22. Tab N – Melissa Nicole Frances Caputo, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

23. Tab V – Richard Nicholas Gearin, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

24. Tab Y – Deborah M. Hall, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

25. Tab AC – Sandi Holtzclaw, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

26. Tab AD – Taylor House, present – Commissioner Fryer moved; seconded by Commissioner Ketcham to approve the application for sales associate; the motion passed without dissent.

27. Tab AG – Avery Johnson, present – Commissioner Hornsleth moved; seconded by Chair Boring to approve the application for sales associate; the motion passed 5-2.

28. Tab AI – Elijah Miller, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.

29. Tab AJ – Irwin Millstein, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to deny the application for sales associate; the motion passed without dissent.

30. Tab AN – Justin Stephen Pa’ala, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.

31. Tab AO – Tristan Parrish, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate with conditions; the motion passed without dissent.

32. Tab AP – Stanley Pettermon, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.

33. Tab AQ – John Press, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.

34. Agenda B, Tab A – Daniel Maxfield Tobey, present – Commissioner Hornsleth moved; seconded by Commissioner Schwartz to deny the application for sales associate; the motion passed without dissent.

35. Tab AT – Lindsey Nicole Puerling, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed without dissent.

36. Tab AU – Dominic Valentino Reed, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 6-1.

37. Tab AV – Mauricio Rocabado, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed 6-1.

38. Tab AY – Ryan Sherrill, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed 4-3.

39. Tab AZ – Shantreese Thomas, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 6-1.

40. Tab BA – Leslie A. Tomlinson, present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed 6-1.

41. Tab BD – Judith Vlad, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.
42. Tab BF – Michael Anthony Watts, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed 5-2.

43. Tab BI – Octavius Wilson, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 6-1.

44. Tab BJ – Laura V. Zambrano, present – Commissioner Fryer moved; seconded by Commissioner Ketcham to approve the application for sales associate; the motion passed 4-3.

45. Tab H – Brittany Ann Black, not present – Applicant continued and waived 90-day requirement.

46. Tab M – Sean Michael Bucknor, not present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

47. Tab P – Christina Cinelli, not present – Vice-Chair Luzier moved; seconded by Commissioner Schwartz to deny the application for sales associate; the motion passed without dissent.

48. Tab Q – Sadie Comfort, not present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to deny the application for sales associate; the motion passed without dissent.

49. Tab S – Kenneth Valentino Edgecombe, not present – Applicant continued and waived 90-day requirement.

50. Tab T – Liam Egan, not present – Applicant continued and waived 90-day requirement.

51. Tab W – Natalie Georges, not present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

52. Tab Z – Wanda Elaine Harris, not present – Applicant continued and waived 90-day requirement.

53. Tab AA – Terry Leigh Henson, not present – Applicant continued and waived 90-day requirement.

54. Tab AB – Joel Hinton, not present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to deny the application for sales associate; the motion passed without dissent.

55. Tab AE – Michael F. Howard, not present – Application withdrawn.

56. Tab AH – Ivan Levander, not present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.

57. Tab AM – Ryan Nichols, not present – Applicant continued and waived 90-day requirement.

58. Tab AR – Thomas James Preston, not present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to deny the application for broker; the motion passed without dissent.

59. Tab AS – Phyteria Lashawn Proctor, not present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to deny the application for sales associate; the motion passed without dissent.

60. Tab AX – Alan Paul Sabourin, not present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 6-1.

61. Tab BC – Gregory Hugh Van Buskirk, not present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to deny the application for broker; the motion passed without dissent.

62. Tab BE – Kimberly R. Wagner, not present – Applicant continued and waived 90-day requirement.

63. Tab BH – Nickole Wilson, not present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for broker; the motion passed 6-1.
Consent Agenda A

The Commission considered 41 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve 29 applicants and require 12 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Carlos Arias  Manuel Gomez  Justin Robert Murphy
Bradley Michael Barfield  Nina Graff  Surinder Singh Pabla
William Lee Bead  Matthew Graniera  Johanna Elizabeth Quimi
Sandra Ellen Carpio  Roberto Hoffman  Mark Barry Schwartz
Laura Marie Cullen  Scotty Charles Houghtaling II  Stacy Amber Shular
Jessie Anne Davis  Theodore Austin Jewell IV  John Keith Taylor
David Deloach  Durel Jones  Juan Daniel Velasquez
Amanda Marjorie Fish  Barton Jace Kendall  Ralph Gerard Villedrouin
Justin Ford  Alexander Lemos Rodriguez  Donesha Wise
Nicolas Gamboa  Ann McGuire

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

Wade Harlan Abed  Jessica L. Dorrance  Shawntina Marshall
Kecia Brown  Arlen Jay Fox  Kellyd Rodriguez
Jesse Bukor  Luke Balou Funk  Ishmael Taiyib Skylark
Matthew Sean Craig  Candace Grant  Christie Lea Walls

Consent Agenda B

The Commission considered 47 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 30 applicants and require 17 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Yvette Marie Brogan  Marisol Guerrero  Shivana Tabitha Narace
Jeffery Campbell  Victor Jerome Gurley Jr.  Terrell Nelson
Elizabeth J. Casner  Colin Houston  Patrick Pugh
Amanda Kay Courtney  Victoria D. Huberty  Daniel Ruiz
Rosa Carolina DeCarlo  Tjana Johnson  Margarita Rosa Solis
Michelle DeSantis  Jamie Levak  Laura Jean Vaughn
Allan Nicholas Egidio  Tryron Lloyd  Michael George Von Arx
Anu Tafari Zion El  Ricky Martin Lotze  Hexi Wang
Christopher Glatz  Christopher Mason  Tracy Lance Whitcomb
Jesus Villa Gonzalez  Leonel R. Merlos  Franklin Joseph Zilleckis

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

Hien Duc Cao  Stacy Michelle Harris  Camila Moretzsohn
Amanda Lynn Coker  Scott William Hurley  Christopher Pomposo
David Diaz  Louby Joseph  Tenika Rodriguez
Steve Doyle  Jeffery Dennis Kapp  David Patrick Small
Jeffery John Gibson  Elias Daniel LeBron  Amado Tanuma
Michael Lloyd Gibson  Clifford Luce Jr.
Consent Agenda C

The Commission considered 11 applicants from the Consent Agenda C; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve 6 applicants and require 5 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Scott Alan Darling          William Frank Eisdon IV          Ian Matthew Kelly
John Deck                   Jordan Joachim                   Robert Michael Sparks

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

David C. Berbick           Brandon Cole                      Gregory Alan Scoville
Anna Elise Cary             Cesar Alfredo Colindres Mencia

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 4:15 p.m. until 8:30 a.m. tomorrow.

October 18, 2017

Chair Chip Boring reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 18th day of October, 2017.

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

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

STAFF
Denise Johnson, Deputy Director
Lori Crawford, Executive Director
Josh Kendrick, Chief Attorney
Allison Parker, Deputy Chief Attorney
Alicia Bhambhani, Assistant General Counsel
Jocelyn Pomales, Education Coordinator
Sara Kimmig, Bureau Chief
Warren Sanger, Operations Support Unit Supervisor
Mike Davis, Regulatory Specialist, Supervisor/Consultant
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
Financial Reports
Monthly Exam Performance Summary Report
Application and License Count Reports
Legal Case Activity Report
Rules Report

The staff and Board Counsel addressed questions and comments from the Commission.

Legal Agenda Schedule

Escrow Disbursement Orders – Agenda A

Assistant General Counsel Miller presented 8 Escrow Disbursement Orders, and 4 Orders for the Commission’s consideration. The Commission entered into discussion. Commissioner Hornsleth moved to accept Escrow Disbursement Order Tabs B, C, D, E, G, Tab A as amended and pull Tabs F and G; Commissioner Fryer seconded the motion; the motion passed without dissent. Commission Hornsleth moved to issue 4 Orders; Commissioner Fryer seconded the motion; the motion passed without dissent.

Escrow Disbursement Orders – Agenda B

Assistant General Counsel Miller presented 8 Escrow Disbursement Orders, and 6 Orders for the Commission’s consideration. The Commission entered into discussion. Commissioner Fitzgerald moved to accept 8 Escrow Disbursement Orders, and 3 of the 4 remaining Orders; Vice-Chair Luzier seconded the motion; the motion passed without dissent.

Recovery Fund Claims

Tab A – Gertrudis Espinal v. Lucia Ortiz, DBPR Case No. 2017-022156

Mr. David presented the above matter to the Commission. Neither the Licensee nor the Claimant was present. The Licensee was not present. Mr. David recommended the Commission grant the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to grant the Final Order Granting the Recovery Fund Claim in the amount of $35,450.00. Commissioner Fryer seconded the motion. The motion passed without dissent.

Tab B – Anita Rampersad v. Olivera Milosavljevic, DBPR Case No. 2016-035626

Mr. David presented the above matter to the Commission. Claimants, Anita Rampersad and Rafael Perez-Mullor were present. The Licensee was not present. Mr. David recommended the Commission deny the request. The Commission considered the facts and circumstances. After discussion, the Commission continued the matter to allow the Claimants the opportunity to provide the proper documentation.

Tab C – Ariel and Emily Zlicha v. Mohamed Shamshudeen Donald and Bayyinah Sulaiman, DBPR Case No. 2017-025219

Mr. David presented the above matter to the Commission. Neither the Licensees nor the Claimant was present. Mr. David recommended the Commission grant the claim in part and deny the claim in part. The Commission considered the facts and circumstances. Commissioner Fryer moved to issue a Final Order Granting in Part and Denying in Part Recovery Fund Claim in the amount of $9,000.00. Vice-Chair Luzier Fryer seconded the motion. The motion passed without dissent.
Legal Appearance Docket

Tab L – Renee Clara Kozlowski, BK 3174945; Case No. 2016015476 – Settlement Stipulation

Respondent was not present; Respondent was represented by John Samaan, Esquire, present. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Ms. Bhambhani represented the department and presented the case to the Commission. After discussion, Commissioner Fryer moved to accept the Settlement Stipulation; Commissioner Fitzgerald seconded the motion; the motion passed without dissent.

Penalty imposed: Suspension of 12 months; administrative fine of $250.00; investigative costs of $165.00; 1 year of probation. Violation(s): Section 475.25(1)(e), Florida Statutes, by failing to comply with a lawful order of the Florida Real Estate Commission due to her failure to attend three (3) complete FREC meetings within five years of the filing date of the Final Order.

Action Taken: Settlement Stipulation accepted

Tab R – Alexander Daniel Virelles, BK 3248175; Case No. 2016029240 – Respondent’s Request for Informal Hearing

Respondent was present; Respondent was represented by John Samaan, Esquire, present. Chair Boring was recused due to participation on the probable cause panel.

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

Penalty: Administrative fine of $1,000.00; investigative costs of $594.00; 2 complete FREC general meetings; 1 year of probation. Violation(s): Section 475.25(1)(d)2, Florida Statutes, by failing to place deposit money in an escrow account during a real estate purchase in which the Respondent was the purchaser and the Contract required escrow money deposited into an escrow account.

Tab I – Steven J. Paige, BK 477871; Case No. 2016050214 – Settlement Stipulation

Respondent was present; Respondent was represented by Steve Johnson, Esquire, present. Vice-Chair Boring was recused due to participation on the probable cause panel.

Ms. Herrera represented the department and presented the case to the Commission. After discussion, Commissioner Hornsleth moved to accept the Settlement Stipulation; Commissioner Fitzgerald seconded the motion; the motion passed 4-1.

Penalty imposed: Administrative fine of $600.00; investigative costs of $445.00; one 3-hour core law course. Violation(s): Section 475.25(1)(e), Florida Statutes, by failing to comply with a lawful order of the Florida Real Estate Commission due to her failure to attend three (3) complete FREC meetings within five years of the filing date of the Final Order.

Action Taken: Settlement Stipulation accepted

Tab M – Betsy Ivette Moreau-Morales, SL 3245407; Case No. 2016015182 – Settlement Stipulation

Respondent was present; Respondent was represented by Daniel Villazon, Esquire, present. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Ms. Stephens represented the department and presented the case to the Commission. After discussion, Commissioner Fryer moved to accept the Settlement Stipulation; Commissioner Fitzgerald seconded the motion; the motion passed without dissent.
Penalty imposed: Administrative fine of $1,000.00; investigative costs of $635.25; one complete 2-day FREC general meeting; one 3-hour core law course. Violation(s): Section 475.42(1)(b), Florida Statutes, by operating as a sales associate or broker for CIM when he was registered under AF; Section 455.227(1)(q), Florida Statutes, by aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.

Action Taken: Settlement Stipulation accepted

Tab E – Rodney Jagessar, SL 3284439; Case No. 2016044073 – Respondent’s Request for Informal Hearing

Respondent was present; Respondent was represented by Daniel Villazon, Esquire, present. Vice-Chair Luzier was recused due to participation on the probable cause panel.

Ms. Herrera represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fryer moved to find the Respondent guilty as charged in the Administrative Complaint; seconded by Commissioner Fitzgerald; motion passed without dissent. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald; the motion passed 3-2 to impose the following sanctions:

Penalty: Suspension for 3 years; administrative fine of $1,000.00; investigative costs of $330.00; 2 complete FREC general meetings; 15 hours of continuing education; 3 years of probation. Violation(s): Section 475.25(1)(f), Florida Statutes, by pleading guilty to one count of “Organized Scheme to Defraud, $50,000 or More” a first degree felony, and one count of “Money Laundering $20,000 or more but less than $100,000” a second degree felony.

Tab J – Brandon Piegari, SL 3281809; Case No. 2015049594 – Respondent’s Request for Reconsideration

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

Ms. Bhambhani represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Fitzgerald moved, seconded by Commissioner Hornsleth; motion passed 3-2 to reconsider the penalty. Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald; the motion passed 4-1 to impose the following sanctions:

Penalty: 30 day suspension; administrative fine of $1,000.00; investigative costs of $346.50; 28 hour reactivation course; 1 year of probation. Violation(s): Section 475.25(1)(d), Florida Statutes, by failing to provide the timely return of Complainant’s deposit upon demand; Section 475.25(1)(k), Florida Statutes, by failing to place Complainant’s deposit with his registered employer; Section 475.25(1)(b), Florida Statutes, by failing to return Complainant’s deposit; Section 475.42(1)(b), Florida Statutes, by collecting money related to a real estate transaction in his own name; Section 475.42(1)(d), Florida Statutes, by collecting money related to a real estate transaction in his own name.

Tab G – Michael J. Murgio, SL 174149; Case No. 2016052521 – 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.

Mr. David represented the department and presented the case to the Commission. Commissioner Fryer moved; Commissioner Fitzgerald seconded the motion to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Fryer moved; seconded by Commissioner Ketcham; motion passed without dissent to impose the following sanctions:
Penalty: Revocation. Violation(s): Section 475.25(1)(f), Florida Statutes in one or more of following ways: by entering a plea of guilty to the felony of Conspiracy to Obstruct an Examination of a Federal Financial Institution in the United States District Court for the Southern District of New York; by being adjudicated guilty of the above offense by the Court on or about Jan. 27, 2017.

Tab D – William Giradeau Eaton Jr., SL 653742; Case No. 2013051874 – Respondent’s Request for Informal Hearing

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

Mr. David represented the department and presented the case to the Commission. Commissioner Fryer moved; Commissioner Hornsleth seconded the motion to reconsider the penalty; the motion passed without dissent. Commissioner Fryer moved; seconded by Commissioner Hornsleth; the motion passed without dissent to terminate suspension of the Final Order.

Action Taken: Suspension terminated.

Tab C – Lauren Elizabeth Daily, SL 3345796; Case No. 2016054303 – Respondent’s Request for Informal Hearing

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

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

Penalty: Administrative fine of $250.00; investigative costs of $528.00; two complete 2-day FREC general meetings; 6 months of probation. Violation(s): Section 455.227(1)(t), Florida Statutes, by failing to inform the Commission in writing after pleading nolo contendere to and being adjudicated guilty of the charges of Driving Under the Influence and Refusal to Submit to Testing, and after pleading guilty to and being adjudicated guilty of Operating While Driver’s License Suspended.

Tab H – Jason Nazzaro, BK 3184902; Case No. 2016045313 – Respondent’s Request for Informal Hearing

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

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

Penalty: Administrative fine of $250.00; investigative costs of $145.20; 3-hour core law course; 6 months of probation. Violation(s): Section 475.25(1)(m), Florida Statutes, by failing to divulge the pending investigation of his real estate license in New Jersey.

Tab B – Edward Caussade, BK 572333; Case No. 2016047085 – 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. Herrera represented the department and presented the case to the Commission. After discussion Vice-Chair Luzier moved; seconded by Commissioner Fryer; motion passed without dissent to find the
Respondent guilty as charged in the Administrative Complaint. Vice-Chair Luzier moved; seconded by Commissioner Fryer; motion passed without dissent to impose the following sanctions:

**Penalty:** Administrative fine of $500.00; investigative costs of $643.50; one complete 2-day FREC general meeting; 6 months of probation. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating Section 455.227(1)(t), Florida Statutes, by failing to report to the Department within 30 days of pleading no contest to, and being adjudicated guilty of, one count of “Leaving the Scene of an Accident with Property Damage.”

**Tab A – Raymond Lee Butterfield, SL 681956; Case No. 2015039399 – Petitioner’s Motion for Extension of Final Order**

Respondent was present; Respondent was not represented by counsel. No current members were recused due to participation on the probable cause panel.

Ms. Stephens represented the department and presented the case to the Commission. Commissioner Fryer moved; Vice-Chair Luzier seconded the motion to grant an extension of Final Order compliance; the motion passed without dissent.

**Action Taken:** 90 day extension granted.

**Tab F – Jesus M. Montero, SL 3167562; Case No. 2016059020 – Respondent’s Request for Informal Hearing**

Respondent was not present; Respondent was not represented by counsel. Chair Boring 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 Hornsleth; motion passed without dissent to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Fryer moved; seconded by Commissioner Hornsleth; motion passed without dissent to impose the following sanctions:

**Penalty:** Suspension of 5 years; administrative fine of $1,000.00; investigative costs of $412.50. **Violation(s):** Section 475.25(1)(f), Florida Statutes, by being found guilty of the crime of Mortgage/Obtain by False Representation, a crime which involves moral turpitude or fraudulent or dishonest dealing; Section 455.227(1)(t), Florida Statutes, by failing to timely inform the Commission in writing after being found guilty of the crime of Mortgage/Obtain by False Representation, a crime which involves moral turpitude or fraudulent or dishonest dealing.

**Tab K – Isabelle M. Schillo, SL 565248; Case No. 2017006864 – Respondent’s Request for Informal Hearing**

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

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

**Penalty:** Revocation; investigative costs of $23.10. **Violation(s):** Section 475.25(1)(b), Florida Statutes, by being adjudicated guilty of one count of Exploitation of an Elderly Person or Disabled Adult, Offense Statute Numbers Florida Statute 825.103(1) and (2)(b), a second degree felony; Section 475.25(1)(f), Florida Statutes, by being adjudicated guilty of one count of Exploitation of an Elderly Person or Disabled Adult, Offense Statute Numbers Florida Statute 825.103(1) and (2)(b), a second degree felony.
Tab N, O, P – Lesbia J. Moreno, SL 3246468; Case Nos. 2016053703, 2016054344, 2016055213 – Voluntary Relinquishment of License for Permanent Revocation

Respondent was not present; Respondent was not represented by counsel. There was no probable cause panel.

Ms. Miller represented the department and presented the case to the Commission. Commissioner Hornsleth moved; Commissioner Fryer seconded the motion to accept the Voluntary Relinquishment; the motion passed without dissent.

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

Tab Q – Katherine Shannon, SL 3142785; Case No. 2016057601 – Motion for Finding of Waiver and Entry of Final Order

Case withdrawn.

Review and Consideration of the Real Estate Education Courses

Tab A – Code of Ethics 3 hr CE – Reconsideration of Notice of Intent to Deny (3 hours, distance) – Application No. 28619 – 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 vacate the Notice of Intent to Deny and approve the course for 2 hours; Vice-Chair Luzier seconded the motion. The motion passed without dissent.

Tab B – Drones in Real Estate 4 hr CE – Reconsideration of Notice of Intent to Deny (4 hours, distance) – Application No. 28620 – 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 vacate the Notice of Intent to Deny and approve the course for 3 hours; Vice-Chair Luzier seconded the motion. The motion passed without dissent.

General Session continued

Petition for Declaratory Statement received from Lennar Corporation – DS 2017-056

FREC Counsel Barnhart presented a Petition for Declaratory Statement for the Commission’s review and consideration. Petitioner was represented by Joseph Boyd, Esquire and Eleanor Taft, Deputy General Counsel of Lennar Corporation. FREC Counsel Barnhart recommended that the Commission deny issuing a Declaratory Statement. The Commission entered into discussion. Commissioner Fryer moved; Commissioner Schwartz seconded the motion to deny issuing a Declaratory Statement. The motion passed without dissent.

Petition for Declaratory Statement received from Karen Stauber – DS 2017-054

FREC Counsel Barnhart presented a Petition for Declaratory Statement for the Commission’s review and consideration. Petitioner was not present. FREC Counsel Barnhart recommended that the Commission deny issuing a Declaratory Statement. The Commission entered into discussion. Commissioner Fryer moved; Commissioner Schwartz seconded the motion to deny issuing a Declaratory Statement. The motion passed without dissent.

Rule Discussion

Minutes of October 17, 18 and 19, 2017
Prepared by M. Davis
2017-2018 Annual Regulatory Plan

Mr. Barnhart presented the 2017-2018 Annual Regulatory Plan, which is required by statute. The document included the rules that may need to be modified as a result of changes to statutes earlier in the year. Mr. Barnhart asked for any suggestions or recommendations the Commission may have. Following a brief discussion, the Commission ratified the 2017-2018 Annual Regulatory Plan as presented.

Rule 61J2-10.026 – Team or Group Advertising

FREC Counsel Barnhart presented a proposed draft of Rule 61J2-10.026 for discussion. The Commission entered into discussion and received comments from several members of the audience. Upon conclusion of the discussion the proposed language was amended. The Commission requested that this rule be brought back next month for further review and discussion.

Rule 61J2-1.015 Post-Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provision

Mr. Barnhart reported that this rule may be repealed due to statutory changes during this Legislative Session. Commissioner Fryer moved; Commissioner Hornsleth seconded; motion carried without dissent to repeal this rule.

Mr. Barnhart asked the Commission to determine if the repeal of this rule would create a negative impact to small business or have fiscal impact of more than $200,000.00 to regulatory entity within one year of implementation of the rule. Commissioner Fryer moved; Commissioner Hornsleth seconded; motion carried unanimously to find there will be no impact.

Mr. Barnhart asked the Commission to consider if any violation of the changes to the rule could be considered to be minor violations. Following discussion, Commissioner Fryer moved; Commissioner Hornsleth seconded; motion carried unanimously to find that if there is a violation of the rule based upon the changes to the rule, the violations would not be identified as minor violations.

Rule 61J2-10.038-Mailing Address

Mr. Barnhart presented this rule for discussion and inquired if the Commission had any changes they deemed necessary. The Commission responded negatively.

Rule 61J2-17.015-Minimum Standard for Prelicense Course of Study

Mr. Barnhart reported that this rule may be repealed due to statutory changes during this Legislative Session. Commissioner Fryer moved; Commissioner Hornsleth seconded; motion carried without dissent to repeal this rule.

Mr. Barnhart asked the Commission to determine if the repeal of this rule would create a negative impact to small business or have fiscal impact of more than $200,000.00 to regulatory entity within one year of implementation of the rule. Commissioner Fryer moved; Commissioner Hornsleth seconded; motion carried unanimously to find there will be no impact.

Mr. Barnhart asked the Commission to consider if any violation of the changes to the rule could be considered to be minor violations. Following discussion, Commissioner Fryer moved; Commissioner Schwartz seconded; motion carried unanimously to find that if there is a violation of the rule based upon the changes to the rule, the violations would not be identified as minor violations.
Mr. Barnhart reported that this rule may be repealed due to statutory changes during this Legislative Session. Commissioner Fryer moved; Commissioner Hornsleth seconded; motion carried without dissent to repeal this rule.

Mr. Barnhart asked the Commission to determine if the repeal of this rule would create a negative impact to small business or have fiscal impact of more than $200,000.00 to regulatory entity within one year of implementation of the rule. Commissioner Fryer moved; Commissioner Hornsleth seconded; motion carried unanimously to find there will be no impact.

Mr. Barnhart asked the Commission to consider if any violation of the changes to the rule could be considered to be minor violations. Following discussion, Commissioner Fryer moved; Commissioner Schwartz seconded; motion carried unanimously to find that if there is a violation of the rule based upon the changes to the rule, the violations would not be identified as minor violations.

**Rule 61J2-20.049-Commission Member Compensation**

Mr. Barnhart presented this rule for the Commission’s consideration of proposed amendments to Rule 61J2-20.049. The revisions would correct the abbreviation of the Department of Business and Professional Regulation as well as to correct the name for the Florida Association of Realtor’s Legislative Day. Following discussion, Commissioner Fryer moved; Commission Schwartz; motion carried without dissent to approve the language as presented.

Mr. Barnhart asked the Commission if the proposed amendment to the rule would create a negative impact on small business or a regulatory impact in excess of $200,000 within one year of implementation of the rule. Commissioner Fryer moved; Commissioner Schwartz seconded; motion carried without dissent to find there would be no fiscal impact.

Mr. Barnhart asked the Commission to consider if any violation of the changes to the rule could be considered to be minor violations. Following discussion, Commissioner Fryer moved; Commissioner Schwartz seconded; motion carried unanimously to find that if there is a violation of the rule based upon the changes to the rule, the violations would not be identified as minor violations.

**Rule 61J2-20.052-Designation of Official Reporter**

Mr. Barnhart presented this rule for the Commission’s consideration of proposed amendments to Rule 61J2-20.052. The revisions would correct the abbreviation of the Department of Business and Professional Regulation as well as to remove obsolete language. Following discussion, Commissioner Fryer moved; Commission Hornsleth; motion carried without dissent to approve the language as presented.

Mr. Barnhart asked the Commission if the proposed amendment to the rule would create a negative impact on small business or a regulatory impact in excess of $200,000 within one year of implementation of the rule. Commissioner Fryer moved; Commissioner Schwartz seconded; motion carried without dissent to find there would be no fiscal impact.

Mr. Barnhart asked the Commission to consider if any violation of the changes to the rule could be considered to be minor violations. Following discussion, Commissioner Hornsleth moved; Commissioner Fryer seconded; motion carried unanimously to find that if there is a violation of the rule based upon the changes to the rule, the violations would not be identified as minor violations.

**Rule 61J2-3.011-Continuing Education for Instructors**

Mr. Barnhart presented this rule for the Commission’s consideration of proposed amendments to Rule 61J2-3.011. The Commission entered into discussion and requested to continue this rule until next month.

**Rule 61J2-3.012-Equivalency for Prelicensing Education**
Mr. Barnhart presented this rule for the Commission's consideration of proposed amendments to Rule 61J2-3.012. The proposed amendments would update the language to comply with statute (4 year degree or higher in real estate). Following discussion, Commissioner Fryer moved; Commission Hornsleth; motion carried without dissent to approve the language as presented.

Mr. Barnhart asked the Commission if the proposed amendment to the rule would create a negative impact on small business or a regulatory impact in excess of $200,000 within one year of implementation of the rule. Commissioner Fryer moved; Commissioner Hornsleth seconded; motion carried without dissent to find there would be no fiscal impact.

Mr. Barnhart asked the Commission to consider if any violation of the changes to the rule could be considered to be minor violations. Following discussion, Commissioner Fryer moved to deny the request for exemption; Commissioner Hornsleth seconded the motion; the motion passed without dissent.

Request for Exemption from Pre-licensing Broker Course from Anthony Cantey – License Number ZH 0605941

Mr. Cantey was not present. Education Coordinator Pomales presented this matter to the Commission. After discussion, Commissioner Hornsleth moved to deny the request for exemption; Commissioner Schwartz seconded the motion; the motion passed without dissent.

Resolution for Director Juana Watkins

Executive Director Crawford read into the record a resolution for Director Juana C. Watkins for 7 years of service as Director for Division of Real Estate.

Nominations for Chair and Vice-Chair

Commissioner Hornsleth nominated Vice-Chair Luzier for Chair. Hearing no objections, Chair Boring closed nominations. Upon unanimous vote Vice-Chair Luzier was elected Chair.

Commissioner Hornsleth nominated Commissioner Fitzgerald for Vice-Chair. Hearing no objections, Chair Boring closed nominations. Upon unanimous vote Commissioner Fitzgerald was elected Vice-Chair.

Public Comments

There was 1 comment from a member of the audience. The comment was addressed by the Commission and by Deputy Director Johnson.

Recess

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

October 19, 2017

Minutes of October 17, 18 and 19, 2017
Prepared by M. Davis
Chair Chip Boring, 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 October, 2017.

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

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

STAFF
Denise Johnson, Deputy Director
Lori Crawford, Executive Director
Josh Kendrick, Chief Attorney
Allison Parker, Deputy Chief Attorney
Alicia Bhambhani, Assistant General Counsel
Warren Sanger, Operations Support Unit Supervisor
Janice Lugo, Regulatory Consultant
Mike Davis, Regulatory Specialist, Supervisor/Consultant
American Court Reporting, Inc. (407) 896-1813 provided court services.

Summary of Applicants
Operations Support Supervisor Warren Sanger presented 40 Summary of Applicants requesting to sit for the real estate examination.

1. Tab O – Luis Jimenez, present; interpreter, present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to deny the application for sales associate; the motion passed without dissent.

2. Tab R – Gregory Marholin, present; was represented by Nancy Campiglia, Esquire, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to approve the application for sales associate; the motion passed without dissent.

3. Tab A – Robert Olaf Anderson, present; Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

4. Tab B – Danielle Lee Ballweg, present – Commissioner Fryer moved; seconded by Chair Boring to approve the application for sales associate; the motion passed 4-2.

5. Tab C – Robert Emmanuel Bernard, present – Commissioner Ketcham moved; seconded by Commissioner Fitzgerald to deny the application for sales associate; the motion passed 4-3.

6. Tab D – Carmen Bieberach, present – Commissioner Fitzgerald moved; seconded by Vice-Chair Luzier to approve the application for sales associate; the motion passed 5-2.

7. Tab E – Carl Bosse, present – Commissioner Hornsleth moved; seconded by Commissioner Fitzgerald to approve the application for sales associate; the motion passed 6-1.

8. Tab F – Anthony Brooks, present – Vice-Chair Luzier moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

10. Tab H – Robert Steven Callahan II, present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 4-3.

11. Tab I – James Cooper, present – Commissioner Fryer moved; seconded by Commissioner Ketcham to approve the application for sales associate; the motion passed 6-1.

12. Tab J – Yvette Fina Delguidice, present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to approve the application for sales associate; the motion passed without dissent.

13. Tab K – Junior Durand, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 5-2.

14. Tab L – David James Grasse, not present – Application withdrawn

15. Tab M – Luis Steven Green, present – Commissioner Fitzgerald moved; seconded by Commissioner Fryer to approve the application for sales associate with conditions; the motion passed 5-2.

16. Tab P – Rudolph Jones, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

17. Tab Q – Thomas Wade Kenyon, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed 6-1.

18. Tab S – Victor M. Martinez, present – Commissioner Schwartz moved; seconded by Commissioner Hornsleth to deny the application for sales associate; the motion passed 6-1.

19. Tab U – Kevin Barry Murphy, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

20. Tab V – Riquan James Murray, present – Commissioner Fryer moved; seconded by Commissioner Hornsleth to approve the application for sales associate with conditions; the motion passed without dissent.

21. Tab W – James Ennis O’Connor Jr., present – Commissioner Fryer moved; seconded by Chair Boring to approve the application for sales associate; the motion passed 4-3.

22. Tab X – Michael E. Rose, present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

23. Agenda D, Tab A – Luis D. Camargo Castro, present – Application withdrawn

24. Agenda D, Tab C – Benny James Chastain, present – Application withdrawn

25. Agenda D, Tab D – Junia Jean, present – Vice-Chair Luzier moved; seconded by Commissioner Schwartz to deny the application for sales associate; the motion passed without dissent.

26. Agenda D, Tab F – Adam Konopka, present – Commissioner Hornsleth moved; seconded by Commissioner Fryer to approve the application for sales associate; the motion passed without dissent.

27. Agenda D, Tab G – Kerny Pierre Louis, present – Applicant continued and waived 90-day requirement.

28. Agenda D, Tab H – Fredy A. Plazas, present – Commissioner Schwartz moved; seconded by Commissioner Fitzgerald to approve the application for broker; the motion passed without dissent.

29. Agenda D, Tab I – Nicolle Saavedra, present – Application withdrawn

30. Agenda D, Tab J – Brady Christoph Sammis, present – Commissioner Fryer moved; seconded by Vice-Chair Luzier to approve the application for sales associate; the motion passed without dissent.

31. Agenda D, Tab K – Lisa Sherbine, present – Commissioner Fryer moved; seconded by Commissioner Schwartz to deny the application for sales associate; the motion passed without dissent.
32. Agenda D, Tab E – Krista Ketter, not present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to deny the application for sales associate; the motion passed without dissent.
33. Agenda D, Tab B – Guichard Cebert, not present – Applicant continued and waived 90-day requirement.
34. Tab N – William David Griffin, not present – Applicant continued and waived 90-day requirement.
35. Tab T – Vincent G. Minervino, not present – Applicant continued and waived 90-day requirement.
36. Tab Y – Shaylyn Paige Suarez, not present – Applicant continued and waived 90-day requirement.
37. Tab Z – Nirali Thakkar, not present – Commissioner Fryer moved; seconded by Commissioner Fitzgerald to deny the application for sales associate; the motion passed without dissent.
38. Tab AA – Lotoya Quenna Williams, not present – Vice-Chair Luzier moved; seconded by Commissioner Fryer to deny the application for sales associate; the motion passed without dissent.
39. Tab AB – Jason Brook Wilson, not present – Applicant continued and waived 90-day requirement.
40. Tab AC – Hans Wittig, not present – Applicant continued and waived 90-day requirement.

Public Comments
There was 1 comment from a member of the audience. The comment was addressed by the Commission.

Adjournment
There being no further business and no objection, the Chair adjourned the meeting at approximately 12:50 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for November 12 and 13, 2017, in Orlando, Florida.

Claude "Chip" Boring, Chair
Florida Real Estate Commission

Lori Crawford, Executive Director
Florida Real Estate Commission