

**STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
FLORIDA REAL ESTATE COMMISSION**

**IN RE:       Petition for Declaratory Statement  
              by Jeffrey M. Fagan, REALTOR®, CRB  
              regarding Rule 61J2-17.015, F.A.C.**

**DS 2019-077**

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**FINAL ORDER GRANTING PETITION FOR  
DECLARATORY STATEMENT**

Jeffrey M. Fagan, REALTOR®, CRB, (Petitioner) filed a Petition for Declaratory Statement (“Petition”) on December 4, 2019. Notice of the receipt of the Petition was published in the Florida Administrative Register in Vol. 45, No. 240 on December 12, 2019. The Petition is attached hereto and fully incorporated herein as Attachment A. The Florida Real Estate Commission (“Commission”) considered the Petition at its meeting in Orlando, Florida on February 18, 2020 and again on April 7, 2020, by Telephone Conference Call.

By his Petition, Mr. Fagan seeks the Commission’s opinion on whether a “Meet the Manager Event,” the details of which are described in the Petition and were elaborated upon by Mr. Fagan in his testimony to the Commission, complies with the requirements of Rule 61J2-17.015, Florida Administrative Code. As detailed in this Statement, the “Meet the Manager Event,” as described, does not violate the Rule’s prohibition on recruiting during classroom instructional time.

**FINDINGS OF FACT**

1. The Commission accepts and adopts as the facts the representations contained in the Petition and attachments thereto, and as more fully elaborated upon by Petitioner’s testimony at the February 18, 2020, meeting.

2. Petitioner has standing to request a Declaratory Statement from the Commission on the question presented.

3. Petitioner is the Regional Vice President — Central and South Florida, for Watson Realty Corporation

4 Watson Realty Corporation both operates as a Real Estate Brokerage and, independently, holds real estate school permits, offering for-profit real estate sales associate pre-licensure education courses

### CONCLUSIONS OF LAW

5 The Commission is authorized to issue this declaratory statement by Section 120.565, Florida Statutes.

6 Petitioner has met the statutory requirements for issuance of the requested Declaratory Statement pursuant to section 120.565, F.S., and Uniform Rule 28-105.002, F.A.C.

7 Petitioner specifically states that the "Meet the Manager Events" will not be offered during scheduled instructional time, either taking place prior to or after the scheduled instruction time. In addition, while employment opportunities with Watson Realty Corporation may be discussed, employment with Watson will not be the sole focus of the event, the event is intended to educate and inform students about the reality of working as a real estate sales agent and what the career entails.

8 Under the facts and circumstances outlined by the Petitioner in the Petition and his testimony, the Commission opines that, as specifically described, the "Meet the Manager Event" would not violate the prohibition on a real estate school permit holder recruiting or promoting employment opportunities with a particular brokerage or a real estate firm offering employment to students taking a real estate educational course during instructional time.

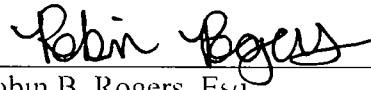
9 In particular, Petitioner avers that the event will take place outside of scheduled instructional time; students would not be required to attend and attendance would be voluntary;

and the primary purpose of the event would be to present information about "life in real estate," the reality of a career in real estate, etc. Members of the Watson Realty Corporation management team would be available at the event, and would answer questions from students

10 Because the "Meet the Manager Event" will not take place during scheduled instructional time, the allocated time a student receives instruction would not be affected by attendance, a student's attendance is not required, and the primary focus of the event does not involve recruiting for employment with Watson Realty Corporation, the Commission finds the "Meet the Manager Events," if conducted as represented by Petitioner, would not violate Rule 61J2-17.015, F.A.C. It is, therefore

ORDERED that the Florida Real Estate Commission GRANTS the Petition for Declaratory Statement filed by Jeffrey M. Fagan, REALTOR®, CRB, with the opinions expressed above

**DONE AND ORDERED** this 19 day of May, 2020.



Robin B. Rogers, Esq.  
Executive Director  
Florida Real Estate Commission

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U S Mail to Jeffrey M Fagan, REALTOR<sup>®</sup>, CRB, Regional Vice President — Central and South Florida, Watson Realty Corp , 1445 W State Road 434, Suite 200, Longwood, Florida 32750, and by email to Lawrence D Harris, Senior Assistant Attorney General, LawrenceHarris@myfloridalegal.com, on this 22<sup>nd</sup> day of May, 2020

  
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FILED

Department of Business and Professional Regulation

Senior Deputy Agency Clerk

CLERK Brandon Nichols

Date 12/4/2019

File #



Jeffrey M. Fagan, REALTOR®, CRB  
Regional Vice President – Central and South Florida  
Watson Realty Corp. REALTORS®  
1445 W. State Road 434, Suite 200  
Longwood, Florida 32750

November 27, 2019

Katy McGinnis  
Director Division of Real Estate  
400 West Robinson Street, N801  
Orlando, Florida 32801

**DS 2019-077**

Dear Katy,

I am writing to request a declaratory statement on the following:

**61J2-17.015 Required Communication by School Permit Holders.**

No real estate school, permit holder or instructor shall recruit for employment opportunities for any real estate brokerage firm during classroom instructional time. Each school permit holder must post in every classroom and administrative area, and read at the beginning of each course, the following statement: "Recruiting for employment opportunities for any real estate brokerage firm must be accomplished outside the prescribed classroom instructional time. Noncompliance should be reported to the Commission."

*Rulemaking Authority 475.05 FS. Law Implemented 475.451(1),(2)(a),(c) FS. History—New 6-28-93, Formerly 21V-17.015.*

The reason for requesting the declaratory statement is that we are interested in conducting "Meet the Manager" events outside the defined classroom instructional time. The "Meet the Manager" event would follow the format below:

- Event will be scheduled outside of instructional time.
- Event will be held in the classroom.
- Food, typically pizza, will be provided at the event
- Attendance is optional
- Students will hear from Watson Realty Corp. Management about a career in real estate and real estate related fields. This will include real estate sales, property management, etc.
- Students will be encouraged to ask questions.

I request for the division's official opinion on the "Meet the Manager" event and how the specified statute applies. Our goal for this event is to provide an avenue for students to ask questions about "life in real estate" and to meet members of the Watson Realty Corp. management team.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey M. Fagan".

Jeffrey M. Fagan, REALTOR®, CRB  
Regional Vice President – Central and South Florida

RECEIVED

DEC 04 2019

DIVISION OF REAL ESTATE