

## **Administrative Sanction Report/Enforcement Caseload Report Real Estate Commission South Meeting December 4-6, 2018**

### **Administrative Sanction Report**

The Administrative Sanction Report includes all of administrative sanctions imposed since my last report to you at our meeting in September 2018. Since our last meeting we have issued a total of **80** administrative fines for a total **\$43,500.00**.

### **Enforcement Caseload Report FY 2019**

The FY 2019 Enforcement Data Report reflects the activity for July through October 2018. During this time period we received a total of **47** complaints in the North and **571** complaints in the south for a total of **618** complaints received. During the same time period we opened a total of **334** investigations and closed **315**. As of October 31, 2018, we had a total of **273** complaints under investigation.

### **Current Issues Under Investigation**

- Broker's failing to submit their annual Trust Account Reconciliations to the Division.
- Broker's failing to submit their affidavit informing the Division they have not over the handled monies belonging to others during the prior year (form 546A)
- Agents not including the name of their brokerage in their advertising or misleading agent advertising.
- Unlicensed real estate activity by local individuals and out of state licensees
- Unlicensed property management activity to include real estate licensees and unlicensed individuals
- Unlicensed real estate/property management activity to include licensed agents allowing unlicensed assistants to conduct activity requiring real estate/property management licensure
- Agents advertising property without consent of the property owner or the owner's agent.
- Trust account reconciliations submitted by brokers indicating suspicious, questionable or mishandling of monies belonging to others
- Property Managers failing to account for or remit funds to include failure to promptly remit and account for rents to property owners or security deposit refunds to tenants
- Trust account embezzlement or mismanagement of trust accounts to include brokers, property managers, and their employees stealing monies held in trust accounts that belong to others, i.e., owners/tenants

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- Failure to provide all transaction documents to the broker within 5 calendar days from the date the documents were executed by all parties.
- Failure to disclose, i.e., status as a real estate licensee, interest in the property or in a party involved in transaction or material fact related to the property/transaction