

DIVISION OF REAL ESTATE'S THREE RESPONSES TO LICENSE LAW VIOLATIONS

The DRE has three levels of response to violations: notification of noncompliance, citation, and administrative complaint.

Notification of Noncompliance

For a first-time minor offense, the DRE may issue a notification of noncompliance. The Division must identify the statute or rule violated, show how the violation can be corrected, and allow 15 days for compliance. A *minor violation* is defined by the FREC as one that does not endanger the health, safety, or welfare of the public. This should be considered a warning, and the licensee who receives the notice should take corrective action within the required time limit or face more serious penalties (61J2-24.003).

Citation

In some situations, DRE investigators have the authority to issue a citation. It usually involves an offense that is not a substantial threat to the public, such as failing to maintain the required office entrance sign. The principal purpose of the citation rule is to reduce the time and expense of other disciplinary actions. Citations are served on the subject either by personal service or certified mail (restricted delivery) to the subject's last known address.

Citations usually require that a licensee either pay a fine from \$100 to \$500 within 30 days or dispute the charge and begin the formal hearing process. All fines are payable to the Department of Business and Professional Regulation, and a copy of the citation should accompany the payment. If not disputed within 30 days, the citation becomes a final order of the Commission (61J2-24.002).

Did You Know...

The most common violations resulting in administrative complaints in 2019 were violation of statutes or FREC or DBPR rule; fraud or deceit in real estate practice; and practicing without a license, registration, or certification.