

**MINUTES
REGULATORY COUNCIL OF
COMMUNITY ASSOCIATION MANAGERS
Conference Call Meeting
July 11, 2003
10:30 a.m.**

CALL TO ORDER

Mr. Reginald called the meeting to order at 10:30

ROLL CALL

The following members were present

Reginald Billups, Chairman

Steve Czonstka, Board Member

Chris Brown, Board Member

Marilyn Battista, Vice-chair

Debra Glass, Board Member

Others Present

Julie Malone, Executive Director

Donna Salters Thomas, Government Analyst

Jerry Wilson, Deputy Director

Robyn Barineau, Government Analyst

Erica Glover, Assistant Attorney General

Charlie Pelligrini, Assistant General Counsel

Mollie Foley-Healy, Board

Ken Oliver, DBPR Budget Office

Fred Gray, Gray Systems

Rocco Tricroce

The meeting was opened with a roll call and a quorum was established.

APPROVAL OF MINUTES

Steve Czonstka moved that the minutes from the April 17, 2003 be approved. Chris Brown seconded the motion and the minutes passed unanimously.

Erica Glover, Assistant Attorney General, gave a report on the language of Rule 61-20.508 F.A.C., which was filed for adoption on July 1, 2003. The Rule will become affective July 21, 2003. The language requirement will become effective October 1, 2003.

Charles Pelelgrini provided Prosecuting Attorney Report.

Mr. Pelleigrini, Assistant General Counsel, Office of General Counsel, Department of Business & Professional Regulation, reviewed the report and there were no questions.

Division of Regulation Report

Quarterly Report and Unlicensed Activity Quarterly Report provided by Ms. Malone.

Mr. Czonstka asked a question regarding notices of non-compliance citations filed in the last two columns –that they are all zeros –asked if that was an indication of the Council’s effectiveness?

Jerry Wilson, Deputy Director of Professions addressed the Council regarding these questions. He explained that citations and notices of non-compliance are written in each board rule. Every Board was asked to come up with violations that can be handled through notices of non-compliance or citations which are not listed in Community Association Managers Rules so there is no authority to issue citations. Jerry indicated that this is something that can be developed as an alternative to investigations. If the Department is able to dispose of a case with a notice of non-compliance or citations, then investigative cost will be reduced.

Chris Brown expressed concern regarding 173 investigations completed what actions were taken if there were no citations?

Ms. Glover explained 455 gives the Council and Boards the authority to setup the rule for minor violations instead of going through the whole process. The CAM Council does not have that Rule as the (Regulations) has not told them that this is what they will allow. Although there are all zeros, something did happen with the 173 cases –they went through the full investigative process through the Office of General Council.

Mr. Czonstka asked if there is anything the Council could have to show if they are effective and achieving results? It was explained that Mr. Pelligrini’s report would include that information.

The status of cases was in question by board members. Marilyn Battista asked that if a person violates 468, after it is investigated and proven, does legal have the authority to fine that person for non-compliance?

Ms. Glover made the suggestion that the Council request that Mr. Pellegrini show the status of the cases.

Mr. Billups indicated that the information that is being provided now is sufficient, and that the Council is missing information that once was provided in newsletters. It was stated that at the next meeting the Council would like the disposition of cases that has been resolved –in common language which would include the file number, cases and name. He also indicated that the Council needs the ability to issue citations.

Mr. Billups asked what must be done in regards to non-compliance and issuing citations? Ms. Glover responded that the Council needs to determine what violations they may consider minor from Rule 61-20.010. In 30 days of receipt of Rule & Law Books, all suggestions must be back to Ms. Malone for compilation.

Chairman’s Report

Mr. Billups thanked Fred Gray for organizing Florida Community Association Mangers Alliance for their support in the effort not to deregulate CAMs. The chairman also discussed looking at passing legislation to regulate management companies. This was significant because managers can have their licenses taken away, but it would not prevent the management companies from operating, as the Council has no regulatory authority over management companies. Also managers may have lost their license, but their companies continue to stay

in business. There were questions regarding costs, which may include extra staff, investigations and a new application process. This item will be address more at the next meeting

The Chairman also discussed the vacancies on the board, and that there are two members serving with expired terms. It was noted that Steve Czonstka and Edith Battista are serving with expired terms.

Executive Directors Report

Ms. Malone updated the board on the Computer Based Testing issue. Correspondence was mailed to candidates about the CBT situation. She indicated that there is an attorney report due to the administrative law Judge this week regarding the bid protest. However, paper-based tests are being administered and candidates can sign up on line.

Senate Bill 10A passed, thus increasing finger print card fee for background checks. This increase is the result of September 11th, which also increased workload. Mr. Czonstka moved that the council approve the change to the rule due to the passage of Senate Bill 10A, in regard to the finger print card increase. The motion passed unanimously.

Financial Reports. Ken Oliver discussed a cash sweep. He informed the board that \$7.5 million was transferred from Professional Regulation Trust Fund. In the 2003 session the Governor and Legislature passed a \$25 million sweep from the Professional Regulation Trust Fund. This money goes to general revenue for other statewide programs and the board no longer has access to it.

Continuing Education.

Beginning August 31st the Department begin 100% monitoring of continuing education. Thirty (30) days after the renewal date the Department will run a query, and at that time a continuing education deficiency letter will be sent out stating the hours deficient. The department may impose financial penalties so that the delinquent license holder will not be able to renew at the next renewal cycle. One year after the current renewal cycle, the department will run another query. At that time the department will issue citations.

Newsletters

The newsletters will be posted on the website and do a mailing if the budget permits. There was consideration given as to whether or not information on the website can be part of CE.

Next Meeting

October 20, 2003; 10:30 a.m. in Tallahassee, Florida

Election of Officers

Ms. Battista nominated Reginald Billups for Chairman. Mr. Czonstka seconded it. Chris Brown moved to close the nomination and the motion passed unanimously.

Ms. Battista was nominated as Vice-Chair; the motion was properly seconded and passed unanimously.

The meeting was adjourned at 12:00 p.m.