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**REGULATORY COUNCIL OF
COMMUNITY ASSOCIATION MANAGERS**

Friday, May 31, 2013 at 10:00 a.m. EST

Conference Call Meeting

Conference: 888.670.352 Conference Code: 6493057517 then #

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Meeting Minutes

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I. CALL TO ORDER

The meeting was called to order at 10:02 a.m. by Patricia Rogers, Chair.

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II. ROLL CALL

Patricia Rogers, Chair

Kelly Moran, Vice Chair

David Beswick

Dawn Warren

Terence Brennan

Maggie Rogers

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Staff:

Daniel Biggins, Executive Director

Mary Alford, Government Analyst

Kathleen Brown-Blake, DBPR Rules Attorney

John MacIver – DBPR Attorney

C. Erica White – Prosecuting Attorney

LeChea Parson – Prosecuting Attorney

Doug Dolan – Assistant Attorney General

Robert Milne – Assistant Attorney General

III. APPROVAL

1. Executive Director Approval

Patricia Rogers, Chair read Daniel Biggins bio on the record.

Motion: Maggie Rogers made a motion to approve Daniel Biggins as the new Executive Director.

Second: Kelly Moran seconds the motion. Motion passes unanimously.

2. February 8, 2013 meeting minutes

Motion: Kelly Moran made a motion to approve the February 8, 2013 meeting minutes.

47 **Second:** David Beswick seconds the motion. Motion passes unanimously.

48

49 **IV. CHAIR REPORT – Patricia Rogers**

50

51 Patricia Rogers, Chair welcomed everyone and reminded Council members they must
52 respond or contact Mary Alford to confirm attendance for meetings; this will help ensure
53 we have a quorum to discuss agenda items.

54

55 **V. COUNSEL REPORT – Doug Dolan and Robert Milne**

56

57 Doug Dolan introduced the new Assistant Attorney General, Robert Milne, who will be
58 the new Board Counsel.

59

60 **1. Rule 61E14-4.004, F.A.C.; Reactivation Continuing Education**

61

62 Doug Dolan: This rule must be re-opened for development. You have already seen this
63 language last year and previously approved by the Council. Due to procedural
64 requirements it must be re-opened again for development. This is going to lessen the
65 requirements to reactivate for continuing education.

66

67 Patricia Rogers, Chair: If I understand it correctly in paragraph 2 what we are saying is
68 even if you did not complete the prior required hours you can not require licensees to
69 complete more than 20 hours in a renewal segment?

70

71 Doug Dolan: Yes.

72

73 Patricia Rogers, Chair: So even though you didn't do your hours, I can skip my 20 hours
74 for this segment and in 2015-2016 only do a total of 20 hours and I meet the
75 requirements.

76

77 Doug Dolan: That is the case.

78

79 Patricia Rogers, Chair: I have a problem with that, there is no penalty then if you don't do
80 your hours.

81

82 Kathleen Brown-Blake: This part of the rule making language is actually a change to the
83 statute that was implemented in 2012. The statute does not allow for us to ask for more
84 than one cycle of CE's, so we can't. It is in statute, Section 455.271(10), F.S. It mandates
85 that we can not ask for more than once cycle of CE requirements. Every boards and the
86 Department has to implement this for every license it provides.

87

88 Mary Alford: The license would go inactive the two year period you do not complete
89 your CE's and you can not practice on an inactive license.

90

91 **Motion:** David Beswick made a motion to open Rule 61E14-4.004, F.A.C, for rule
92 development.

93

94 **Second:** Kelly Moran seconds the motion. Motion passes unanimously.

95

96 Doug Dolan: This would be the appropriate time to vote on the new language presented.

97

98 **Motion:** David Beswick made a motion to approve the language for Rule 61E14-
99 4.004, F.A.C.

100

101 **Second:** Terence Brennan seconds the motion. Motion passes unanimously.

102

103 Doug Dolan: The Council will need to vote a SERC for this rule. Will the proposed rule
104 amendments have an adverse impact to small business or will the proposed rule directly
105 or indirectly increase regulatory cost in the excess of \$200,000 in the aggregate in one
106 year after implementation of the rule.

107

108 Patricia Rogers, Chair: It will not negatively affect it.

109

110 **Motion:** Maggie Rogers made a motion indicating the proposed rule will not have
111 an adverse impact to small business or increase regulatory cost.

112

113 **Second:** Terence Brennan seconds the motion. Motion passes unanimously.

114

115 **2. Annual Regulatory Plan (ARP) – Kathleen Brown-Blake**

116

117 Kathleen Brown-Blake: Section 120.74, F.S. requires a list of rules that we plan to amend
118 or create for the next fiscal year. The list is presented to the Senate President, Speaker of
119 the House and OFARR. At this time we have rules under the Council's rule, 61E14, on
120 the list for what we need to update.

121

122 **Motion:** Kelly Moran made a motion to move forward with the Rules indicated on
123 the 2013 Annual Regulatory Plan.

124

125 **Second:** Dawn Warren seconds the motion. Motion passes unanimously.

126

127 **VI. DEPARTMENT RULE REPORT – Kathleen Brown-Blake**

128

129 **1. JAPC Correspondence (Joint Administrative Procedures Committee)**

130

131 Kathleen Brown-Blake: This is a letter we received from JAPC regarding the citation
132 rule, mediation rule and notice of non-compliance rule we published under 61E14-5.001
133 – 5.003. JAPC comments pointed out that the rules would now fall under the Department
134 rules of 61-20, F.A.C. The Department took the language the Council approved and
135 published them under 61-20.011 and 61-20.012. That is currently out there for OFARR's
136 response. JAPC did not have any comments on those rules. I made some minor technical
137 changes to the language prior to publishing it. These changes are reflected in the draft

138 response. The only rule you have out there currently, published that is waiting for
139 determination is 61E14-5.003, which is the notice of non-compliance rule.

140

141 Patricia Rogers: I have a question on 61E14-5.002 number 5 and number 6, what exactly
142 is JAPC asking for?

143

144 Kathleen Brown-Blake: The requirements of mediation are that it does not have a
145 physical injury to somebody and does not have an economic impact. Subsection 5 of the
146 language we published and subsection 6 of the language we published are both sections
147 that are very broad disciplinary actions that could in some cases have economic impact.
148 Since they cover both economic and non-economic violations we did include them in the
149 mediation rule. Our investigators are very good at determining what is appropriate for
150 mediation. They will only send over cases to mediation that are non-economic. That is
151 what she is asking.

152

153 Patricia Rogers: Are you going to be clarifying the rule?

154

155 Kathleen Brown-Blake: I didn't need to. She is only asking if they were appropriate. I
156 explained it to her that subsection 5 and 6 of the rule, depending on the facts of the case
157 include non-economic fractions in statute. She was asking a "why" question and not a
158 please change the language question. So I explained why we had it in there.

159

160 Patricia Rogers: Was that satisfactory to her?

161

162 Kathleen Brown-Blake: The letter is a draft response. I would assume it is satisfactory
163 because when I published that language under 61-20.011 and 61-20.012 there were no
164 comment.

165

166 Patricia Rogers: Is there any action required by the Council?

167

168 Kathleen Brown Blake: Not for 61E14-5.001 and 5.002, however, there is still 61E14-
169 5.003 that is still the Councils rule. Technically the 90 days has passed on 61-20.011 and
170 61-20.012, OFARR is asking us to draft and publish withdraws on those. I don't think it
171 will be a problem since we already have the language published under the Department's
172 rule, but I do need to get a vote from the Council to withdraw the other two rules, 5.001
173 and 5.002.

174

175 **Motion:** Terence Brennan made a motion to withdraw Rule 61E14-5.001 & 5.002,
176 F.A.C. from the Council Rules.

177

178 **Second:** Kelly Moran seconds the motion. Motion passes unanimously.

179

180 Kathleen Brown-Blake: The first subsection under 5.003 is a technically change. The
181 second part for 5.003(1)(b) is them asking why Section 718.11(12)(c), F.S. is cited in the
182 rule provision. When I did a cross reference on the rule we were referring to that
183 language is not in the rule we were noticing. I need to do a substantive notice of change

184 for that part of the rule. That subsection of the old rule does not say as set forth in Section
185 718.111(12)(c), F.S. It is not necessary in our Notice of Non-Compliance Rule. They
186 think we need to remove that language. I don't think it will be problematic. They are
187 referencing the rule we are enforcing. Technically since it is substantive I need a vote
188 from the Council to approve the notice of change.

189
190 **Motion:** David Beswick made a motion for a substance notice of change to the rule.

191
192 **Second:** Terence Brennan seconds the motion. Motion passes unanimously.

193
194 Kathleen Brown-Blake: The last thing will be approval of the draft response letter by the
195 Council.

196
197 **Motion:** Kelly Moran made a motion to approve draft response letter to JAPC.

198
199 **Second:** Maggie Rogers seconds the motion. Motion passes unanimously.

200
201 **VII. PROSECUTING ATTORNEY REPORT – C. Erica White**

202
203 **C. Erica White introduced LeChea Parson as the new Prosecuting Attorney for the**
204 **Regulatory Council of Community Association Manager.**

205
206 Terence Brennan: Usually this is included in the agenda. Was this late prepared or what
207 caused it to be sent separately?

208
209 C. Erica White: It was sent separately, we are switching over to a new database system.
210 We have had some difficulty generating our standard report. This particular report had to
211 be reconfigured in Excel which is why it looks different as well. In the future it should
212 come in the materials sent by Mrs. Alford.

213
214 Terence Brennan: Okay, thank you.

215
216 Patricia Rogers: I noticed there are several cases were the same manager has a complaint
217 against them and then a month later has another complaint against them. When that
218 occurs are those complaints combined?

219
220 C. Erica White: The complaints are not combined because often times the complainants
221 are different. Even when the complainants are the same the allegations are typically
222 different. The only time we combine cases for resolutions is if it is against a CAM and
223 the associated CAM Firm and then we can resolve them together.

224
225 Patricia Rogers: Okay, if John Doe has a complaint from one person and another
226 complaint from another person you have to treat them separately.

227
228 Terrance Brennan: You are switching over to a new database. Is it possible in the future
229 that this can accommodate one additional field that can give a clue as to what the general

230 categories of allegations were? So there is more than just a name and that it is in process,
231 something giving some indexing information as to what is going on.

232

233 C. Erica White: The database we currently use does not allow for a descriptor. For
234 example if you were looking at a case, does this case relate to public records, unlicensed
235 activity, we don't have anything in our current database that would allow us to give a
236 more descriptive idea of what a particular case pertains to without actually going and
237 looking at the case.

238

239 Terence Brennan: Is that referring to the database that has been in use or what you are
240 switching over to?

241

242 C. Erica White: The database we are switching over to is more of an upgrade, but the
243 basic premise of the database is the same. It would not allow for us to know by looking at
244 the case number what the case pertains to, that aspect of that has not changed.

245

246 Terence Brennan: If something can be done in the future that could provide a link to
247 further information. I personally think that would be a substantial improvement.

248

249 Patricia Rogers: Is it possible to add the county in which the complaint occurred? So we
250 could get a sense of where the majority of complaints are?

251

252 C. Erica White: The current report does not allow for us to break it down by county or
253 location so there is no way to display that in your report. I would have to manually go in
254 and look at the case to tell you what county.

255

256 Patricia Rogers: I don't want to add to your burden. We will miss you. We have
257 thoroughly enjoyed having you work with us.

258

259 C. Erica White: I have been working with this Council for two and half years and it has
260 been a pleasure.

261

262 Terence Brennan: I concur in Patricia's comments. You have been very clear in your
263 explanations.

264

265 **VIII. EXECUTIVE DIRECTOR - Daniel Biggins**

266

267 **1. Financial Statements ending March 31, 2013**

268

269 Operating Account Balance: (\$104,438) Negative Balance

270

271 Unlicensed Activity Account Balance: \$149, 332

272

273 Patricia Rogers, Chair: What are we going to do with the deficit?

274

275 Dan Biggins: Mary Alford has been drilling down on the numbers and talking to the
276 Finance people to see what we can do. We will try and do some projections for future
277 meetings to show you were this is headed and some suggestions.
278

279 Patricia Rogers, Chair: I think we need to be very cautious when we are running into a
280 deficit. The big renewal period is next year, but if we are going to run in deficits I think
281 we need to be aware of that and look at how we are going to deal with that.
282

283 **2. Division of Regulation Quarterly Complaint Report**

284
285 Council Members reviewed the report.
286

287 **IX. COUNCIL DISCUSSION TOPICS**

288

289 Patricia Rogers, Chair: Mr. Biggins can you please address the letter that was sent out
290 regarding the summer CEUs for CAMs without cost? And bring the Council up to date
291 on that?
292

293 Dan Biggins: Yes, we can do that. Mr. Patrick Flynn is here and can answer any
294 questions you have.
295

296 Patricia Rogers, Chair: A letter was sent by the Department on April 15th noting that there
297 was summer CEUs for CAMs without cost. It listed nine (9) vendors and a specific
298 contact and invited people to take all CEUs without cost. I received calls from a number
299 of education providers who were disturbed about this and asking if the Department will
300 be recommend certain vendors over others. There is a DBPR course being offered by Mr.
301 Flynn's section and I believe that is were the problem arose.
302

303 Dan Biggins: Just to let you know, I have received a lot of those communications as well.
304 We went and looked into what was being offered. I will let Mr. Flynn get into it.
305 Essentially this is in the nature of an outreach by the Department to offer education were
306 it was asked for previously. To give you some background, many boards and divisions
307 here in the Department where different individuals in the Department will go out in
308 different situations and offer education, particularly on things like do I need a license and
309 what type of license do I need. It is very frequent for the Department to offer continuing
310 education or courses or information, of course the Department does not charge for that
311 when they do it.
312

313 Patrick Flynn: One of the things I view our mission is to get the word out about what we
314 do. We do board member certifications, we do CAM and CEU courses. When ever I talk
315 to someone, specifically providers, an attorney or management firm we will let them
316 know we are happy to come down and participate in any programs they want to do or if
317 they want to set up a program we will come down and teach the course. In this instance,
318 Beth Hagan the individual that contacted us said she wanted to put a summer series
319 together we said we would participate. It won't come out on our letterhead again. There
320 website has been updated so it does not show our logo. We don't recommend any

321 particular individual or company we are just out there to help get the word out. We do
322 stuff with CAI, SERVPRO, associations, attorneys, colleges and CPA's. I want to throw
323 out there that if you want us to assist or participate in education we will be happy to do it.
324 I apologize if it appeared that we endorsed this company that is not what we do. We are
325 here to provide education. I will answer any additional questions you guys have.

326

327 Patricia Rogers, Chair: Let me tell you what I heard from vendors. The problem here was
328 the letter said we hope you take advantage of this opportunity to obtain all your CEUs
329 without cost. That was clearly too many of the vendors out there a statement of
330 endorsement. I understand you do programs that we all can benefit from. Hopefully other
331 CE vendors will approach you and you can join them to do those. I think the problem
332 comes were you appear to endorse other vendors other than DBPR. I think we need to
333 know, do we need a rule that specifically says while the DBPR can offer courses it can
334 not enter into promotion of any courses being offered by private vendors.

335

336 Pat Flynn: What I see our mission is to educate the public; CAMs, board members or unit
337 owners, there is a dyer need for that. This may not have been the proper way to do it, but
338 our goal is to spread the word. The Council knows the problem we face with CAMs not
339 knowing what they are doing, not to mention board members. I take that as part of our
340 mission to help spread the word.

341

342 Patricia Rogers: This clearly appears to be an endorsement. Should the Department be
343 endorsing anyone? Should it endorse CAI, Florida CAM schools, Gold Coast or Gray,
344 should it be endorsing any of them. I think the answer is no. That is were the problem
345 comes in, do we need a rule that specifically says while the Department may participate
346 with private providers it may not in any way appear to be endorsing them.

347

348 Dan Biggins: You have a lot of rules about CE courses and you can have rules about the
349 courses. I don't think the Council can pass a rule to regulate what the Department does.
350 Certainly, the Department is letting you know they are going to be very aware of this
351 situation going forward. Mr. Flynn has apologized. I would suggest to you we ask them
352 (CTMH) to be mindful of your concerns and I can assure you they are sensitive to those
353 concerns now. If there is not a problem with the course itself, that is addressed in your
354 rules. In terms of trying to regulate the Department's action, I think that goes beyond the
355 Council.

356

357 Patricia Rogers, Chair: Please be aware, I heard from a lot of vendors and I think we need
358 to be extremely cautious on how the Department approaches this.

359

360 Pat Flynn: Yes Ma'am, I did hear from a number of people too. I will make sure that does
361 not happen again.

362

363 Patricia Rogers, Chair: Again, I know Mr. Flynn only meant the best. We can not have it
364 appear that the Department recommends one vendor over another.

365

366 Pat Flynn: I understand.

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1. Rule 61E14-2.001, F.A.C; Standards of Professional Conduct

Kathleen Brown-Blake: I will walk the Council through this. This is the one were we noticed the rule for development to clean up the language to make it easier to enforce. What we have is some of the language is outdated, some of the language was declared unconstitutional by an ALJ (administrative law judge), this rule is well overdue in its clean-up. We have the language that we think is appropriate, but if you have any amendments or changes we can do that on the record now.

Patricia Rogers, Chair: I think we should incorporate the 2013 changes once they become law. There should be a way for letting them know that if there is a complaint filed in the division that it can spill over to a complaint against the manager. I know there is some cross reference there.

Kathleen Brown-Blake: My understanding is that as licensees they are obligated to know they are subject to 718 and 719 statutes as well as the 468 statute.

Patricia Rogers, Chair: There is also 718, 719, 720, 721 and 723.

C. Erica White: That change does not take effect until July 2013. Since you were already in the rule development process that July has to pass before you can start making rules to implement the changes on the new legislation. I think it would have to be something new.

Kathleen Brown-Blake: In order for us to incorporate the 2013 legislative changes it will be part of the implementation plan once it starts. It will be something that is addressed. It will be open to address those mandatory changes on the phone. There will be two separate rule changes on this rule at this time. We did not notice the development appropriately to account for the 2013 changes. So, we will have to start all over. Since we already have this rule we can keep it moving and open the same rule to implement the 2013 changes as soon as we get the implementation plan rolling here in the Department.

Patricia Rogers, Chair: I also had questions regarding the Good Moral Character rule that is included in the initial application phase. Is this properly addressed here?

Kathleen Brown-Blake: The reason we have a Good Moral Character defined in 61-20.001(5) is because the initial licensure statute requires Good Moral Character. There is nothing in the Standards of Professional Conduct language that refers to good moral character. So, if we start cross referencing rules to include characters that are not included in the statute pertaining to discipline JAPC will kick it back asking were our authority is and I won't be able to answer them.

Patricia Roger, Chair: I want to go back to the removal of "control of others." It seems to me that somehow we need to still make a CAM Firm responsible for properly supervising their CAMs. How do we do that within the law?

413 Kathleen Brown-Blake: Constitutionally we can't. That's holding an individual
414 responsible for the responses and actions of another individual. An ALJ (administrative
415 law judge) has already kicked that back to us as unconstitutional which is why it is being
416 removed from the rule language. It would be great to have, but it has already been
417 declared unconstitutional and could open up the Council and the Department for liability
418 since we know now.

419

420 Patricia Roger, Chair: Isn't that a little crazy that you can't hold a company accountable
421 for the employees it's supposed to supervise?

422

423 C. Erica White: The person that is responsible is the person that qualifies the CAM Firm.
424 That is the person that you file for separate action against. What we do now is file a
425 complaint against the license and a complaint against the actual person who makes the
426 CAM Firm qualified to hold the license. If an employee does something and that
427 employee is a licensed CAM you can file an action against that employee for the
428 misconduct. You can't hold a CAM Firm responsible for what the employee did when the
429 employee is licensed. You have to go after the employee itself.

430

431 Maggie Rogers: Are you going after them financially because you can't go after them any
432 other way because they don't have a license.

433

434 C. Erica White: When I say go after I am talking about administrative proceedings, now
435 of course there is civil action that can happen in terms of a company in absence of its
436 employees. In an administrative context, you can file a complaint against the licensee.
437 You do have a lot of CAM Firm's that have several employees. You would file your
438 complaint against the employee of the CAM Firm. You can not file a complaint against
439 the Firm if one of its employees committed the misconduct.

440

441 Maggie Rogers: So a person who is a maintenance person in the normal scheme of things,
442 who are they responsible too?

443

444 C. Erica White: In a hypothetical context the association is actually responsible for the
445 maintenance. So if the issue is with the maintenance person, the association would have
446 to take action against the maintenance person.

447

448 Patrick Flynn: If the maintenance person is doing work that should be licensed like
449 electrical or plumbing then they would be liable under the other boards like the Electrical
450 Contractors Licensing Board for unlicensed activity.

451

452 Maggie Rogers: You said the board would be liable. What sort of liability does the Board
453 have? What would they be responsible for?

454

455 C. Erica White: Are you talking about the association, the board of directors with the
456 association?

457

458 Patricia Rogers, Chair: She is referring to the maintenance person with the association's
459 board. I would rather go back to our responsibly with the CAMs and CAM Firms. It
460 seems to me that the problem would be we can't hold, if the CAM Firm says to the
461 employee the condo doesn't want to follow the documents don't worry about it don't
462 follow them. The CAM can be brought up on charges. But if that is a general policy of
463 the CAM Firm that CAM can be left out hanging and the CAM Firm is not charge for any
464 issues. That is were my problem comes in. There needs to be the ability to hold the CAM
465 Firm responsible for proper supervision of their employees.

466
467 Maggie Rogers, Chair: I agree with that, but I am looking at it from the standpoint of a
468 consumer. I want to be sure the consumer is protected from people the CAM hires. You
469 told us at a previous meeting that a CAM is not responsible for someone they have hired.
470 I am wondering if there is not some other way to phrase this to make it so it is all one
471 thing. That is so when they do hire someone they do become apart of the association so
472 they are held responsible and they are not just the employee. Something needs to be done
473 because this is absurd.

474
475 C. Erica White: Let me first say that CAMs are employees of the Board of Directors for
476 the association. They have contracts, they have certain ways they are suppose to conduct
477 themselves.

478
479 Maggie Rogers: Does that mean that everything, every responsibility goes back to the
480 Board in essence the CAM is not responsible for anything because they were hired by the
481 Board and the Board has to be responsible.

482
483 C. Erica white: No Ma'am that is not what I am saying. A CAM is an employee of the
484 association. What we are talking about for the purpose of what is covered in your rules,
485 what do your rules state you can do for discipline. The administrative law judges that
486 listens to your cases has said it is unconstitutional to discipline a Firm, a corporation, for
487 the actions of its employees. There is no point for it to be in your rule if we are not going
488 to prevail in disciplinary proceedings. All we are going to do is take out that language
489 since we don't charge under that rule anyways.

490
491 Maggie Rogers: I understand what you are saying. It is making me sick. It is holding no
492 one responsible. I know people who work for CAMs who when they don't like someone
493 they will take the door off of their condos and leave it to the side and nothing can be done
494 about it.

495 59:45

496 C. Erica White: No, you have a civil remedy. We are only an administrative agency, so
497 we are only talking about the licensee. What we are talking about in administrative
498 penalty, we discipline the license holder, and even in the CAM Firm a CAM Firm is
499 qualified by a CAM. It is not really the Firm it is the person qualifying that particular
500 firm. We will not be able to hold a CAM Firm responsible if the CAM mismanages
501 money. That is the burden on the licensee, not on the CAM Firm. We are not able to do
502 that.

503

504 Maggie Rogers: Even if they know it?

505

506 Kathleen Brown-Blake: There is a distinct difference between your license which is a
507 property right guarantee by the constitution and your protection from civil liability.
508 Anybody can be sued for pretty much anything. If you have a license it is a property right
509 guarantee, you are afforded the protection of the constitution. It is a separate thing. You
510 can still sue them, but we can not go after their license.

511

512 Maggie Rogers: I understand everything you have said, I am just saying it is insane. I
513 have lost all understanding on what the good purpose of this Council is with that ruling. It
514 is basically saying anybody can get away with anything, they just have people do it for
515 them.

516

517 Patricia Rogers, Chair: It sounds like this is a legislative issue. It is clearly a problem in
518 455 and we can't really fix it.

519

520 Maggie Rogers: It is not a legislative issue. It is a law problem, it is a problem in the
521 courts. A judicial problem.

522

523 Patricia Rogers, Chair: It is legislative problem and we need to change the language in
524 455 to address that, which is not something we can do.

525

526 Maggie Rogers: I don't think it is because it is outside the law. The constitution has
527 several problems and we are talking about federal issues. This has to do with
528 constitutional problems.

529

530 Patricia Rogers, Chair: As frustrating as it is we need to move on.

531

532 **Motion:** Kelly Moran made a motion to approve the changes to Rule 61E14-2.001,
533 Standards of Professional Conduct.

534

535 **Second:** David Beswick seconds the motion. Motion passes unanimously.

536

537 Patricia Rogers, Chair: Mrs. Brown-Blake I would ask that you look at my comments and
538 let me know if there is anyway we can incorporate them in the second round when we get
539 to the 2013 updates.

540

541 Kathleen Brown-Blake: Absolutely.

542

543 Patricia Rogers, Chair: And there were some other comments that we can look into
544 seeing if we can include in some of that. I would appreciate you looking into that as well.

545

546 Kathleen Brown-Blake: Absolutely.

547

548 **2. Unlicensed Practice of Law relating to CAMs.**

549 C. Erica White: I was made aware of the proposed advisory opinion from the Florida Bar
550 on the unlicensed practice of law. I believe there is a link on their website there to a 23
551 page proposed advisory opinion on the issue of what constitutes an unlicensed practice of
552 law by community association managers. If you were not sent that link in your materials I
553 am sure we can provide to you for your review.

554

555 Patricia Rogers, Chair: Did it substantial change anything?

556

557 C. Erica White: There are some areas that could be constructive in the proposed opinion
558 and I don't know if it has been adopted as the final opinion. There are some clarifications
559 regarding what the unlicensed practice of law committee believes is the unlicensed
560 practice of law. I believe it would be constructive for the Council to read that opinion. I
561 have read it and there are a couple of things relating to the drafting of liens and other
562 types of things that different associations and different CAMs do. I do think that it is
563 constructive for people to read. Our rules have not been affected, unless or until we
564 change what we discipline people for it does not change what we do.

565

566 Patricia Rogers, Chair: Can you send all members the link? If it is necessary we may
567 need to discuss it. If it limits what CAMs currently do we may need to want a discussion
568 and have our opinion sent forth.

569

570 C. Erica White: I will have Mary send it around to the Council members. As I read it, I
571 don't believe it provides a limitation rather a clarification on the previous 1996 Supreme
572 Court decision. As it relates to discipline I don't believe it changes that.

573

574 Patricia Rogers, Chair: Ms. White I am not as concerned about that as I am does it limit
575 CAMs in areas that we have previously in your letter disagreed with limitations.

576

577 C. Erica White: I think that is something you will have to look at. It does provide
578 clarification in areas that were previously un-clarified. I don't know if you view that as a
579 limitation. It would be constructive for the Council to review it before it is discussed. I
580 don't know if people have reviewed it. Since you all are the ones in the industry it would
581 be constructive for you all to review it and develop your own opinion on what you can
582 do.

583

584 Patricia Rogers, Chair: What date by which are they going to make a decision, or don't
585 we not know?

586

587 C. Erica white: I just saw a link to it. I don't know if there will have another meeting
588 were it will be adopted. The date on the proposed advisory opinion is May 15th. I don't
589 think it has been adopted and I believe they are accepting commentary on the advisory
590 opinion.

591

592 Patricia Rogers, Chair: I would ask that the Council Members when you get the link
593 please review it and I will discuss with Mr. Biggins and Mrs. Parsons if we need to have
594 a special meeting to discuss it.

595

596 **3. Legislative Update**

597

598 Report of legislation passed during the 2013 Session with current status on referenced
599 bills reviewed by the Council.

600

601 Kathleen Brown-Blake: SB 50 as related to public meetings will require each Board,
602 Council and Commission adopt language relating to public meetings into rule. That will
603 be another rule that will be added to the ARP. The Council will see the language before it
604 is adopted. I need the Council to approve the adding of this language to our rule.

605

606 **Motion:** Terence Brennan made a motion to add a rule related to public meetings as
607 indicated in SB 50.

608

609 **Second:** Maggie Rogers seconds the motion. Motion passes unanimously.

610

611 Kathleen Brown-Blake: It was not included in your agenda material, but we will need to
612 vote on a SERC Checklist for the language you previously approved in the meeting for
613 Rule 61E14-2.001, F.A.C.

614

615 **Motion:** Terence Brennan made a motion to publish approved language for Rule
616 61E14-2.001, F.A.C.

617

618 **Second:** Maggie Rogers seconds the motion. Motion passes unanimously.

619

620 **X. Future Meeting Dates**

621

622 August 23, 2013 (Conference Call)

623 November 8, 2013 (Tallahassee)

624

625 **XI. Profession Issues**

626

627 **1. Pre-Licensure Certificate Date**

628

629 Mary Alford: This is a new agenda topic for our meetings so the Council is aware of
630 frequent questions or concerns that come up in our office. We do get a lot of calls of
631 confusion, even in the application process when it comes to the 12 months that the exam
632 is required to be passed from the pre-licensure certificate completion date versus when
633 they actually apply with the Department. I want to make the Council aware of our
634 frequency of calls on this topic or issue. And for providers that might be listening to
635 reiterate that in your courses. I do speak with a lot of applicants who unfortunately, are
636 not able to take their exam because the pre-licensure certificate is expired by the time
637 they get to that point.

638

639 Patricia Rogers, Chair: Yes, I run into that problem a lot as well.

640

641 **2. Email Addresses**

642

643 Mary Alford: On this topic I want to make sure Council Members and anyone listening
644 that the Department is utilizing the email addresses to send out official notifications when
645 it comes to your application or license file, deficiencies or renewals. For licensee please
646 make sure your email address is accurate and updated with the Department in our system.
647 You can receive those updates more quickly versus snail mail.

648

649 Patricia Rogers, Chair: Any comments from the Council on any other issue?

650

651 David Beswick: I was looking at the Council website and if someone who didn't know
652 anything looked at that website and saw our names there, it would appear that Dawn
653 Warren is the only active member of the Council and the rest of us are expired. Is there
654 anything going on in that direction?

655

656 Mary Alford: Those are the official term dates from the original appointments by the
657 Governor's Appointment Office. Dawn is the only Council Member serving on an active
658 term. When there is not someone re-appointed or appointed in your place, Council
659 Members have the right to continue serving until you are re-appointed or if someone is
660 appointed in that position on the Council.

661

662 Patricia Rogers, Chair: Do we have idea on when that might occur?

663

664 Mary Alford: No, not at this time.

665

666 Dan Biggins: There are so many types of positions that the Governors Office needs to
667 appoint, the priority is to fill the spots with quorum issues. If you haven't had a chance to
668 go on the Governor's Appointment website and submit a new appointment form, please
669 do so.

670

671 Patricia Rogers, Chair: I submitted mine after the expiration date which was two years
672 ago, should I re-submit the appointment form?

673

674 Dan Biggins: I would, to make sure they have it since it has been that long.

675

676 Terence Brennan: Is the renewal process as lengthy as the original application?

677

678 Dan Biggins: It is the same application process.

679

680 Dawn Warren: I just submitted my re-appointment application.

681

682 Dan Biggins: We will send you a link to the website and there is contact information for
683 the Appointments office.

684

685 **XII. TOPICS FOR NEXT MEETING**

686

- 687 1. Rules Update
688 2. Unlicensed Practice of Law update
689 3. Public Information Brochure
690 4. Strategies for Financials

691

692 **XIII. Adjournment**

693

694 **Motion:** David Beswick made a motion to adjourn the meeting.

695

696 **Second:** Maggie Rogers seconds the motion. Motion passes unanimously.

697

698 **Meeting adjourned at 11:25 a.m.**