

**Meeting of
Regulatory Council for
Community Association Managers**

Department of Business and Professional Regulation
Conference Call Meeting
Conference: 1.888.808.6959. Conference Code 4879597
Friday, August 5, 2011 @ 9:00 am EST.

General Business

ROLL CALL: (Council Members)

Patricia Rogers, Chair
Kelly Moran, Vice Chair
Maggie Rogers
Terence Brennan
David Beswick
Dawn Warren

After roll call, a quorum of the council was present for the meeting.

STAFF PRESENT

Anthony B. Spivey, Executive Director
Pam Sewell, Government Analyst

OTHERS PRESENT

Khai Patterson, Assistant Attorney General
Erica White, Assistant General Counsel
Libby Henderson, Assistant General Counsel
Adrian Washington, Bureau of Education and Testing
Suzanne Lee, Bureau of Education and Testing
Sarah Dugen, NBCCAM
Lori Rodgers, Burt Rodgers School of Real Estate
Fred Gray, Gray Systems

Opening Remarks: The Executive Director reminded all present that each individual should state their first and last name before speaking.

APPROVAL OF MINUTES:

MOTION: Ms. Moran moved to approve the minutes of May 13, 2011.

SECOND: Ms. Maggie Rogers seconded the motion and it passed unanimously.

CHAIR REPORT: (Patricia Rogers)

Ms. Patricia Rogers reminded the board the next meeting will be an in-person meeting and the council will discuss legislative issues and education requirements at the November meeting. Additionally Ms. Rogers asked that the department update the council on any legislative priorities.

COUNSEL REPORT: (Khai Patterson)

Ms. Patterson directed the council's attention to page 12 of the agenda regarding Rule 61E14-4.001, F.A.C. Mr. Spivey was asked to explain the current status which based on a conversation with Assistant Attorney General Mr. Dror Lewy, this rule is being withdrawn at this time for further review and compliance with the procedures as outlined by the Office of Fiscal Accountability and Regulatory Reform (OFARR).

PROSECUTING ATTORNEY REPORT: (Erica White)

Ms. White informed the council that an additional attorney, Ms. Henderson has been assigned to assist with the case load because of the number of cases in litigation. Ms. White indicated that the Department currently has approximately 301 open cases at this time. Ms. White noted various trends in the cases are being seen in the department, mainly consisting of a lack of understanding by CAMS to follow the needs of the governing documents of the association. After further discussion of this matter, Kelly Moran recommended to Ms. White that placing information in the CAM public information brochure to advise CAMS and homeowners of the laws with regard to records inspection and return of records may help alleviate some of the complaints being filed against CAMS.

EXECUTIVE DIRECTOR: (Anthony 'Tony' Spivey)

Mr. Spivey informed the council of the new policy of the department that only cases that have been found probable cause will now be on the web site as opposed to placing all initial complaints on the site. The public does have access to the information through the process of a records request.

Mr. Brennan expressed disagreement with the new procedure of the department and indicated he felt the department policy is a circumvention of the "sunshine law" because the policy does not allow the public access to the complaints. After Mr. Brennan's comments, Ms. Maggie Rogers made a motion to the council to set aside the department's action.

MOTION: Ms. Maggie Rogers motioned to have the department staff set aside the decision of removing all complaints not having probable cause until the issue can be discussed further at the November meeting. Before voting on the motion, Ms. White advised the council they do not have disciplinary authority so they

cannot vote to have the policy set aside by the department. Ms. Patterson confirmed this to council.

SECOND: Mr. Brennan seconded the motion.

After considerable discussion of the issue between council members, a roll call vote was done on the motion. The motion failed by a vote of four to two with all members save Mr. Brennan and Ms. Maggie Rogers voting to uphold the motion.

After completion of the vote, Mr. Brennan challenged the votes of Mr. Beswick and Ms. Warren, indicating because of outstanding issues they were not qualified to vote. Ms. Patterson advised the council this was a moot point because removing the two votes would result in a tie and the motion would die. Based on the advice of council, Ms. Rogers instructed the council to move forward as it would not be appropriate to address the matter any further.

Expert Witnesses

Mr. Spivey provided a list of the three expert witnesses used by the department in CAMS cases. Ms. Patricia Rogers requested that the department provide additional information on the direct management experience of the CAM experts. She felt that the department should provide this information for review by the council. Ms. Rogers additionally recommend the council provide standards for the expert witnesses to the department.

CAM Continuing Education

The council addressed a request from Ms. Lori Rodgers and Mr. Fred Gray regarding which specific legal update course a licensee should take for credit towards their required CE credits. They felt that Rule 61E14-4.001(3)(a) is not clear on which particular legal update course should be taken. The council will discuss this matter further at the November meeting.

Public Information Brochure

The council expressed pleasure in the design of the first draft brochure. Ms. Moran indicated she would like to start drafting additional brochures for council review, possibly three so that the council will have four brochures available.

Dennis Warren Letter

The discussion of Dennis Warren letter was tabled by the council until the November meeting.

Old Business

No old business was taken up by the council.

Suggested Topics for Next Meeting

1. Dennis Warren Letter
2. Proposed 2012 Legislative recommendations from council and the department
3. Discussion of Web content
4. Management experience of expert witness, and a form or application to identify qualifications
5. Definition of gross misconduct
6. Review of Rule 61E14-4.001(3)(a) Legal Update Requirements
7. Discussion of professional standards from other states
8. CAM Public Information Brochure Update – records inspection

NEXT MEETING

November 18, 2011 in Tallahassee

ADJOURNMENT

After having no other business come before the council, Ms. Patricia Rogers asked for a motion to adjourn the meeting.

MOTION: Kelly Moran made the motion to adjourn.

SECOND: Dawn Warren seconded the motion and it passed unanimously.

The council meeting adjourned at **10:30 A.M.**