

1  
2  
3  
4  
5  
6  
7  
8  
9

**REGULATORY COUNCIL OF  
COMMUNITY ASSOCIATION MANAGERS**

Friday, November 8<sup>th</sup>, 2013 at 10:00 am EST  
Crowne Plaza Jacksonville Riverfront  
1201 Riverplace Blvd, Jacksonville, FL 32207  
904.398.8800  
Meeting Phone Number: 904.396.8855

Meeting Minutes  
Approved February 21, 2014

10  
11  
12 **I. CALL TO ORDER**

13  
14 The meeting was called to order at 10:03 a.m. by Interim Chair, David Beswick.

15  
16 **II. ROLL CALL**

17 David Beswick (Interim Chair)  
18 Dawn Warren  
19 Elizabeth “Betsy” Barbieux  
20 Angela Phillips  
21 Sharon Cunningham  
22 Pedro Allende  
23 Margaret Rogers

24  
25 **Staff:**

26 Robert Milne, Assistant Attorney General  
27 Daniel Biggins, Executive Director  
28 Donald Shaw, Government Analyst  
29 John MacIver, DBPR Attorney  
30 Brittany Griffith, DBPR Attorney  
31 C. Erica White, Prosecuting Attorney  
32 Radhika Puri, Prosecuting Attorney

33  
34 **III. APPROVAL**

35  
36 **1. August 23, 2013 meeting minutes**

37  
38 **Motion:** Ms. Warren made a motion to waive the reading of the minutes and to  
39 approve the August 23, 2013 meeting minutes.

40  
41 **Second:** Ms. Barbieux seconds the motion. Motion passes unanimously.

42  
43 **IV. CHAIR REPORT – David Beswick**

44  
45 David Beswick, Interim Chair, welcomed all the new members of the Counsel, and asked  
46 each new member to introduce themselves and provide a little background. Mr. Beswick

47 also requested that tenured members of the Council introduce themselves to the new  
48 members.

49

## 50 **V. COUNCIL DISCUSSION TOPICS**

51

52 Ms. Barbieux asked for confirmation that the updates to Rule 61E14-2.001 have been  
53 approved and that final language is on its way to implementation. Mr. Milne confirmed  
54 this, and that it's possible the Rule is adopted by the end of the year.

55

## 56 **VI. COUNSEL REPORT – Robert Milne**

57

58 Mr. Milne gave a presentation on the “Sunshine Law”, and the Council’s responsibility to  
59 abide by it when discussing Council related issues. Mr. Milne detailed situations in  
60 which Council members may be subject to public records requests, and Mr. Biggins  
61 reminded the Council that directing communication to either himself or Mr. Shaw will  
62 protect the Council and allow the Department to maintain a public record of the  
63 communication. Mr. Biggins also explained that if they have any questions, directing  
64 that question first to Mr. Milne also protects them.

65

66 Ms. Barbieux asked how many violations of the Sunshine Law has the Council  
67 committed in the past, and if they happen often. Mr. Biggins replied that he is not aware  
68 of any issues for most of the State regulatory boards/councils as the Attorney General’s  
69 office and the Department are very proactive in educating their members on the  
70 requirements of the Sunshine Laws.

71

## 72 **VII. DEPARTMENT RULE REPORT – John MacIver**

73

74 Mr. MacIver gave a brief explanation of the rule making authority for both the Council  
75 and the Department. Mr. MacIver stated that prior to July 1, 2014, he will solicit  
76 opinions from the Council, through Mr. Biggins, on any proposed rulemaking the  
77 Council intends to take. Mr. MacIver stated that report is submitted to the Senate  
78 President, the Speaker of the House, the Governor, and the Chair of the Joint  
79 Administrative Procedures Committee. Mr. MacIver also stated that the other obligation  
80 of the Council and the Department is internal review of current rules in order to reduce  
81 regulatory burdens, reduce costs, and to ensure compliance with statutory authority.

82

83 Mr. MacIver also reminded the Board that previous rulemaking regarding 61E14-2.001,  
84 Standards of Professional Conduct, has been withdrawn and new proposed language is  
85 being submitted to better mirror the language reflected in the statutory change to Ch. 468,  
86 Part VIII. Mr. MacIver stated Mr. Milne is working on updated language.

87

## 88 **VIII. PROSECUTING ATTORNEY REPORT – Radhika Puri**

89

90 Ms. Puri read the Prosecuting Attorney’s report into the record.

91

92 Ms. Barbieux requested clarification on what cases are confidential and what cases are  
93 public record. Ms. Puri stated the cases against CAM Firms are private until probable  
94 cause has been found, whereas cases against CAM individuals are public record  
95 throughout the investigative process.

96  
97 Ms. White distributed a power point presentation showing an overview of the complaint  
98 process for CAM complaints.

99  
100 **IX. EXECUTIVE DIRECTOR - Daniel Biggins**

101  
102 **1. Financial Statements; current & projections**

103  
104 Council Members reviewed the report.

105  
106 Mr. Biggins explained that the report has a detailed projection for both the operating  
107 account and for the unlicensed activity account. Mr. Biggins stated that the operating  
108 account has a negative balance, but it does appear that the projections show a move in the  
109 right direction. Mr. Biggins stated the Department will continue to monitor fiscal  
110 matters, and if its determined that reality isn't as optimistic as the projections, the  
111 Department and Council should plan to address that issue down the road.

112  
113 **2. Division of Regulation Quarterly Complaint Report**

114  
115 Mr. Biggins read the Quarterly Complaint Report into the record.

116  
117 **3. CAM Firm Renewal Numbers**

118  
119 Mr. Biggins read the renewal numbers into the record.

120  
121 **4. HOA Reporting Numbers**

122  
123 Mr. Biggins explained that a new legislative requirement this year required Homeowner's  
124 Associations to report their details to the Department, and Mr. Biggins stated it's  
125 expected that numbers will continue to filter in even after the deadline. Mr. Biggins then  
126 read the numbers into the record.

127  
128 Mr. Biggins also thanked Mr. Beswick for sitting in as Interim Chair for this meeting.

129  
130 Ms. Barbieux requested clarification on verbiage from previous meeting minutes which  
131 referenced the word "sweep". Mr. Biggins stated that in the past, the Legislature has  
132 swept money from board accounts that had high positive balances in order to fund the  
133 State's general business. Mr. Biggins stated he was unclear if this is something would  
134 happen in the future, as the State is in a much better position now than it has been in  
135 previous years. Ms. Rogers stated that, to her recollection, the Legislature swept about  
136 \$1 million from the Council's account about two years previous. Ms. Barbieux stated  
137 that previous minutes indicate there was a frustration amongst the Council members on

138 how quickly complaints were being processed, and stated that it's her opinion that, if the  
139 Legislature had not swept their account previously, perhaps the prosecutor's office would  
140 be better staffed and would be able to prosecute cases more quickly. Ms. White stated  
141 that the Office of the General Counsel did direct more resources to the prosecution of  
142 CAM complaints when the number of cases began to rise. Ms. White stated that in her  
143 time at the Department, the current case load is the lowest she's seen, and that she's  
144 satisfied with the progress her office has made in working cases. Mr. Biggins also  
145 commended the Office of the General Counsel on the increased availability of  
146 information on the website relating the CAM disciplinary cases.

147

## 148 **X. FUTURE MEETING DATES**

149

150 February 21<sup>st</sup>, 2014 (Conference Call)

151 May 23<sup>rd</sup>, 2014 (Conference Call) – tentative

152 August 15<sup>th</sup>, 2014 (Conference Call) – tentative

153

## 154 **XI. Ne w Business**

155

### 156 **1. Elections for Chair and Vice-Chair**

157

158 Ms. Rogers made a motion nominating David Beswick as Chair. Ms. Barbieux seconded.

159

160 Ms. Warren made a motion nominating herself as Chair. Mr. Allende seconded.

161

162 After voting, Mr. Beswick was voted as Chair and Ms. Warren was voted as Vice-Chair.

163

164 **Motion:** Ms. Rogers made a motion to change the Regulatory Council of  
165 Community Association Managers from a Council to a full regulatory  
166 Board.

167

168 **Second:** Ms. Barbieux seconds the motion.

169

170 Ms. Rogers spoke to the motion, indicating that it is her opinion that if the Council were  
171 to become a Board, they would have more say in the industry, and could more properly  
172 address issues in the industry. Ms. Rogers stated that, if the motion passes, she would  
173 like all of the Council members to lobby individually to make the Council a full Board.  
174 Mr. Allende asked if this would be in the form of a resolution as the Council does not  
175 have the legal authority to make this change. Mr. Biggins confirmed this, and stated that  
176 the Legislature would have to make changes to the law for the Council to become a full  
177 Board, and stated that it is inappropriate for the Council itself to lobby as a group. Mr.  
178 Biggins stated that the Council's concerns would be passed on to the Department's  
179 Legislative Affairs office but that the main intent of the Department's legislative package  
180 was pro-business. Mr. Biggins stated the best way to pursue changes in legislation is  
181 through their professional associations.

182

183 After further discussion, the motion passes unanimously.

184

185 Ms. Barbieux stated brought up a situation with the City of Doral and an ordinance that  
186 was being passed by that municipality. Ms. Barbieux requested Counsel to take a look at  
187 the issue and provide guidance on how that issue will affect their industry. Mr. Biggins  
188 stated the Department is aware of the issue and the Department's legal staff is currently  
189 reviewing the issue. Mr. Beswick requested that this issue be placed on the agenda for  
190 the next meeting for more discussion.

191

192 **XIII. Adjournment**

193

194 **Motion:** Ms. Warren made a motion to adjourn the meeting.

195

196 **Second:** Ms. Phillips seconds the motion. Motion passes unanimously.

197

198 **Meeting adjourned at 10:53 a.m.**