1	COMMUNITY ASSOCIATION MANAGERS COUNCIL
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9	DIGITALLY RECORDED TELEPHONIC MEETING
10	JULY, 31, 2009
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19	Transcribed by:
20	Marlo D. Farnsworth
21	Certified Shorthand Reporter
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1	PRESENT
2	CHRIS BROWN, CHAIRMAN
3	ANTHONY SPIVEY, EXECUTIVE DIRECTOR
4	TERENCE BRENNAN
5	STEVEN CZONSTKA
6	KELLEY ANN MORAN
7	MARGARET ROGERS
8	PATRICIA ROGERS
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## 1 DIGITALLY RECORDED PROCEEDINGS

- 2 MR. SPIVEY: Okay. Good morning, this is
- 3 Anthony Spivey from the Department of Business and
- 4 Professional Regulation. I am the Executive
- 5 Director for the Regulatory Council of the
- 6 Community Association Managers.
- We are here to take input from the CAM council
- 8 members regarding legislative suggestions for the
- 9 Department, and this is -- today's date is
- July 31st, 2009. And I will have Ms. Renese Jones
- call the roll call for the counsel members.
- MS. JONES: Chris Brown?
- 13 CHAIRMAN BROWN: Present.
- MS. JONES: Terence Brennan?
- MR. BRENNAN: Present.
- MS. JONES: Steve Czonstka?
- 17 MR. CZONSTKA: Present.
- 18 MS. JONES: Kelley Moran?
- 19 MS. MORAN: Present.
- 20 MS. JONES: Maggie Rogers?
- MS. M. ROGERS: Present.

- MS. JONES: Patricia Rogers?
- MS. P. ROGERS: Present.
- MS. JONES: Okay, all present.
- MR. SPIVEY: Okay.

- 1 MR. PORTH: My name wasn't called. I was
- 2 invited to participate as well. It's Ari Porth
- 3 from House District 96.
- 4 MR. ARMBRUSTER: And this is Bill Armbruster.
- 5 I was -- also received an invite to attend.
- 6 MR. SPIVEY: Okay. This is Anthony Spivey --
- 7 MR. COLIONE: And my is Bill Colione. I would
- 8 also like to attend also.
- 9 MR. SPIVEY: Just a moment, please. Thank
- 10 you. This is Anthony Spivey, Executive Director.
- I will ask the council members that when you do
- speak to the different suggestions or comments,
- that each individual identify themselves so that
- we'll get an accurate recording of the information
- 15 and --
- MS. HELEN: And one more thing, this is Helen
- 17 from Representative Robaina's office.
- 18 MR. SPIVEY: Okay, thank you.
- 19 UNKNOWN SPEAKER: My name is --
- MR. SPIVEY: I would like to go ahead and turn
- 21 this over to the Chair, Mr. Brown.

- 22 CHAIRMAN BROWN: Thank you, Tony. This is
- 23 Chris Brown, and I will go around, and we will get
- comments from each of the council members.
- One thing I'd like to remind the members is

- 1 the purpose of the suggestions from Governor Crist
- 2 is due to the economy, that the suggestions will
- 3 increase savings to the State. This is part of the
- 4 Accelerate Florida, and this is what the
- 5 Legislature and Governor are going to be, again,
- 6 addressing this year.
- 7 They also did quite a few cost cutting
- 8 measures last year. And they're looking for
- 9 suggestions from us that will either increase
- 10 efficiency or generate some type of savings, and I
- don't know if anyone from the Department wanted to
- elaborate on --
- 13 (Unknown voices.)
- 14 CHAIRMAN BROWN: -- if Tim or anyone wanted
- 15 to --
- MR. VACCARO: Mr. Chair, this is Tim Vaccaro,
- 17 and to kind of elaborate --
- MR. SPIVEY: Excuse me? Hello? This is
- 19 Anthony Spivey with the Department. I want to ask
- that whoever is speaking in the background that you
- 21 please be quiet for a moment because your

- 22 conversation is coming through on the conversation
- for the meeting, thank you.
- MS. M. ROGERS: Point of information, Anthony,
- 25 this is Maggie Rogers. How do -- can you tell us

all how to mute the phone? I know that it was in

- 2 the instructions, but I didn't quite get the
- 3 number.
- 4 MS. P. ROGERS: I can tell you, this is
- 5 Patricia Rogers, it's star 6.
- 6 MR. SPIVEY: You can't mute the conference
- 7 call. I can only do it here.
- 8 MS. P. ROGERS: Oh, except when you call in,
- 9 it says you can.
- MR. SPIVEY: You can mute your phone.
- MS. M. ROGERS: Yeah, that's what I mean. And
- so if there were any background noise happening, if
- we hit star 6, that would help. And then how do we
- 14 get out of it?
- MR. SPIVEY: I think those are limited to the
- phone of the leader of the conference.
- MR. BRENNAN: To get out of it, you would hit
- pound 6. Star 6 to mute you specific phone, pound
- 19 6 to unmute your specific phone.
- MS. M. ROGERS: Thank you so much. Thank you.
- MR. VACCARO: Mr. Chair, this is Tim Vaccaro.

- 22 CHAIRMAN BROWN: Yes, please. Thanks, Tim.
- MR. VACCARO: Thank you. Just to elaborate a
- 24 little on the Governor's Accelerate Florida
- initiative, it does relate to two specific areas.

- 1 One has to do with reducing regulatory barriers to
- 2 entering professions, and the other one has to do
- 3 with streamlining the application process.
- 4 So more so than just worrying about cost
- 5 savings for the State, it has more to do really
- 6 with cost savings and efficiencies for the folks
- 7 that we license and regulate.
- 8 CHAIRMAN BROWN: Good, very good.
- 9 I have one suggestion, which I will hold to
- see if, you know, anyone else comes up with any.
- 11 I'll turn it over to whichever council member wants
- to go first.
- MS. P. ROGERS: Why don't we go in
- 14 alphabetical order? This is Patricia Rogers.
- 15 CHAIRMAN BROWN: Terence Brennan.
- 16 Alphabetical order is fine with me, Terence
- 17 Brennan.
- MR. BRENNAN: Oh, am I first upon alphabetical
- 19 order?
- 20 CHAIRMAN BROWN: Yes.
- MR. BRENNAN: Okay. Well, that's fine. I was

- unclear, and still am a little unclear, as to the
- purpose of the meeting.
- I had sent a message to staff asking a little
- bit about it, and I never got a response. The

1	agenda item is entitled, Legislative Suggestions
2	for the Upcoming Legislative Session."
3	I do have suggestions, and they aren't
4	necessarily cost saving, but since the topic is
5	simply, "Legislative Suggestions," and doesn't make
6	any reference to the efficiency initiative, I think
7	that they're probably appropriate to
8	CHAIRMAN BROWN: Okay. Well, let me read
9	something that was received from Secretary Drago
10	and Governor Crist, it says, "In the coming weeks,
11	the Department will also begin compiling
12	legislative recommendations for the 2010
13	legislative session, which we will present to the
14	Governor's office for approval.
15	"As you recall, Governor Crist initiated
16	Accelerate Florida last year to reduce or eliminate
17	unnecessary regulation and to streamline licensing
18	processes.
19	"We wish to continue our efforts to promote
20	Accelerate Florida and hope you will provide us
21	your recommendations.

- "Your Executive Director will be seeking Board
- input at your next meeting, and we look forward to
- your suggestions." So --
- MR. BRENNAN: Okay, yes, I'm familiar with

1 the -- with that, and it certainly -- I took that

- 2 to be part of this, but not necessarily the entire
- 3 direction of it.
- 4 So I can just go ahead and present what my
- 5 suggestions are, and you can consider them or not
- 6 within the context, but I think that it is for the
- 7 council members to present their thoughts and
- 8 ideas.
- 9 So what -- it will probably take less time
- just to go through it than it will be to discuss
- 11 that. Okay.
- 12 CHAIRMAN BROWN: If I could interrupt you a
- minute, Terence, I'm sorry, but we've got to really
- stress, there's a lot of people on the line, and
- those people who are doing background conversations
- or have background noise, you must mute your phone
- or leave the conference because it's very
- disruptive to whoever is trying to talk.
- MR. BRENNAN: Okay, we seem to have quiet.
- 20 CHAIRMAN BROWN: Hopefully. Go ahead,
- 21 Terence, thank you.

- MR. BRENNAN: Okay. Yes, I'll go through my
- 23 little list, which is essentially four items.
- One of my first concerns when I came to the
- council was a lack of enforcement. And last year,

1	I pointed out that 97 percent of complaints are
2	discarded before they're they result in
3	discipline. 500 complaints, 15 disciplines.
4	I have seen comments from the public that
5	suggest that this isn't a believable statistic,
6	that in the sense that things are going right.
7	So I think the there's something happening
8	here that requires an analysis by someone and
9	probably something that the Legislature needs to
10	address, but that's a very vague statement, I
11	realize. I'm not pointing toward any statute or
12	specific specific item except to say that I
13	think that an analysis of what's been happening is
14	necessary so that we can understand what's to be
15	done about it. Perhaps that's something for the
16	Legislature to take a look at.
17	Other comments I've seen, I don't think this
18	is impact is there have been comments by some
19	CAMs that complaints being posted on the website
20	are a problem for them because the complaints are
21	dismissed as unfounded, and yet they remain on the

- website. I've also -- as I just mentioned,
- 23 97 percent of the complaints are dismissed.
- So it's my feeling, and I think the feeling of
- probably a lot of consumers, that this information

1	remaining on the website is the best thing to
2	happen under the current circumstances, that it's
3	unfair to everybody, both the public and to the
4	CAMs to have complaints that may be unfounded, but,
5	in fact, probably a lot of those complaints are
6	founded and just have, through whatever is wrong
7	with the procedure, are being swept aside.
8	I think that the remedy for that could be to
9	provide for a more expanded dissemination of
10	information on the website, that would be the
11	original making the original complaint available
12	and the CAM's defense perhaps so that an interested
13	party will see more than just that there was a
14	complaint and go away with that impression but can
15	actually look at the thing and see for themselves
16	what they think was going on.
17	So I'd propose that there be an expanded
18	online dissemination on the of the process with
19	complaints. And the fact that it's done
20	differently for different professions, I think that
21	would probably be a good thing for almost any

- 22 profession.
- So for us to emulate other professions by
- removing the complaint history and making that the
- way that we do things I think would be a poor

- 1 choice.
- 2 This probably would result -- third topic
- 3 here, is that this probably would result in
- 4 increased costs, but I'll just suggest it anyway, I
- 5 think that the number of hours for a CAM's -- a
- 6 CAM's required education is so low that it's almost
- 7 meaningless.
- 8 I'd contrast the licensing of a CAM with the
- 9 licensing of a massage therapist. A massage
- therapist has to take 500 hours of courses. They
- have to take 25 CEU hours, which I think 12 of
- those have to be in a classroom setting, and this
- ends up costing a massage therapist maybe \$300,
- 14 \$500 every two years, biennially.
- 15 A CAM only -- it was the -- I could be wrong
- on this, the current requirement is 18 hours,
- 17 and --
- MS. P. ROGERS: Excuse me?
- MR. BRENNAN: Excuse me?
- MS. P. ROGERS: This is Patricia. It's 18
- 21 hours, and we've asked, in the rule change, that it

- be increased to 24.
- MR. BRENNAN: I would suggest far more than
- that, and I would suggest it should be based on an
- analysis of what a CAM is expected to know and what

- 1 their duties are. I would just suppose that it
- 2 probably should be in the range of hundreds of
- 3 hours.
- 4 There's an alternative. If cost savings is
- 5 essential, I think that it would -- another
- 6 possibility, which I would not favor, would be the
- delicensure of CAMs, and -- but I really don't
- 8 think that's a good idea.
- 9 CAMs are controlling so much money in Florida
- and affect the lives of millions of people that I
- think that they really should be licensed and
- regulated, and that comes back to enforcement
- again, which is good for the CAMs because it will
- weed out the people who are causing problems if
- it's actually accomplished.
- MR. SPIVEY: Mr. Brennan, this is Anthony
- 17 Spivey. Just for our clarification, are you
- referring to prelicensure courses or the regular
- 19 continuing education?
- MR. BRENNAN: No, I'm referring to the actual
- 21 licensure in the first place. I think that there's

- an awful lot that a CAM needs to know about that
- just cannot be taught even in 25 hours. It's
- really quite a responsibility, and the impact on
- 25 the public is significant.

1	So as far as the continuing education goes, my
2	feeling on that is that changes in the law
3	certainly have to be understood by every CAM
4	whenever the statutes change, but, in general, the
5	other aspects of their education are probably kind
6	of permanent. And once they've got those, I don't
7	think that they need to be repeated again and
8	again.
9	Going back to discussing massage therapists,
10	every time around, they have to take courses in
11	ethics, in oh, there's a couple of things like
12	HIV management, a number of things that it's
13	they're just repeated over and over. I think
14	that's inefficient for everybody. But so the
15	CEUs I think should principally address the changes
16	in the law and rule, of course.
17	So those are basically what I came to this
18	meeting with. I have a concern for the lack of
19	enforcement. I think that it needs to be there
20	needs to be some analysis to determine what the
21	problem is, and I do believe there's a problem

- because the -- there are continuing complaints
- that -- from consumers, that they have presented a
- problem, and it gets swept off the table before it
- gets anywhere at all.

1	1 .	And	expan	sion o	f the	website	to ii	nclude	more

- 2 information for the public in the nature of what
- 3 complaint processing consists of and the change in
- 4 the education requirements so that CAMs are a
- 5 genuine profession and not what almost seems like
- 6 it's sometimes a pseudo-profession, where somebody
- 7 goes and takes a quickie course, and goes off and
- 8 then is in a position of great responsibility and
- 9 power.
- Those are my comments.
- 11 MR. SPIVEY: Thank you.
- Mr. Brown?
- Okay. Steve Czonstka, you're next on the
- 14 list.
- MR. CZONSTKA: Yeah, was Chris Brown going to
- speak or --
- MR. SPIVEY: Do you want to speak now, Chris,
- or you'll hold your comments until later?
- 19 Chris, are you there?
- 20 CHAIRMAN BROWN: Can you hear me?
- MR. SPIVEY: Mr. Brown, are you there?

- 22 CHAIRMAN BROWN: Can you hear me?
- MR. SPIVEY: Yes.
- 24 CHAIRMAN BROWN: Can you hear me now?
- MR. SPIVEY: Yes.

1	CHAIRMAN BROWN: Okay. I don't know what
2	happened.
3	MR. SPIVEY: Okay.
4	CHAIRMAN BROWN: I was going to speak at the
5	end, and next would be Steve Czonstka.
6	MR. CZONSTKA: Okay. I just have one item
7	that I'd like to see addressed by the Legislature,
8	and I don't know whether it's to the point or not,
9	but we've been working on privatization for several
10	years, and I know some of the new members of the
11	council are not aware of what the whole effort has
12	been about. Those of us that have been on the
13	council for several years know that have some
14	background in it.
15	Essentially, I think it would produce some
16	cost savings because of the added efficiency we
17	would have in dealing with the mechanics of
18	organizing the meetings and communication.
19	So I don't know what the status of the
20	privatization effort is, and I don't know whether

it's at the point where it would be ready to go to

- the Legislature.
- I have been talking with my State Senator and
- 24 my State Representative, and I'm ready to ask them
- for assistance if it's to the point where we can

- put a bill before the Legislature in the next
- 2 session. So that's my main input.
- I think that part of the problem with the lack
- 4 of what's shown to be the lack of response to
- 5 complaints is the fact that we receive so many
- 6 complaints which are not germane, that they're
- 7 complaints about board members, they're complaints
- 8 about things which the council has no power to
- 9 really investigate, and I think, therefore, they're
- dismissed. So that's my input.
- 11 CHAIRMAN BROWN: Okay. Thank you very much,
- 12 Steven.
- 13 Kelley Moran?
- MS. MORAN: The -- some of the statements that
- 15 have already been made are some of the concerns
- that I also had, too. So I don't have anything
- else to add.
- 18 CHAIRMAN BROWN: Thank you, Kelley.
- Margaret Rogers?
- 20 MS. M. ROGERS: Yes. First of all, I really
- 21 think this Board is almost inefficient, and I try

- to think why that's true, and I think it's probably
- because it is not a board. It is a regulatory
- commission, and it has no teeth to it. And I've
- gotten that from everybody I've talked to in staff

1	and that I've questioned about this, as well as
2	former regulatory commission members.
3	And so I really think it either needs to be
4	privatized or it needs to be come aboard, but,
5	as a regulatory commission, it just doesn't have
6	any teeth.
7	Secondly, I would like to say I agree with
8	Terence about the number of hours that have to be
9	put in to get licensed. Perhaps if we require
10	more, we will get less people who are just in to
11	rob people blind, which seems to be the easiest way
12	to steel money in the State of Florida is to become
13	a CAM person.
14	I think it's extremely important that any
15	owner be able to receive any information at any
16	time within a 24 to 48-hour period and that nothing
17	should be held back from them. It is, after all,
18	their records. They should be able to look and
19	at the records of their association.
20	So that's a biggie I think. I think that that

might help curb some of the stealing that's gone on

- in the State of Florida where you have people who
- have fraudulent bills.
- And, you know, not a lot of people really will
- 25 put in the effort to try to find out what's going

1	on in their associations, but for those who do, it
2	is such a difficult task to get through to the
3	records that it just wears them down. And if you
4	don't and if the CAM people don't present it,
5	there's no alternative. There's nothing that can
6	be done about it. I mean, if it's reported, then
7	it might take years to get any information back.
8	And also there needs to be information sent to
9	people. When they report something that is not an
10	appropriate report, then I think that the staff or
11	the Department needs to let these people know where
12	they should go to get help.
13	For example, if you report somebody who is
14	saying that they have a CAM license and they don't,
15	well, that doesn't fall under your bailiwick, but
16	it would be nice I mean, that's one of the
17	biggest abuses there is, and it would be nice if we
18	could see that people were guided to the right
19	place to report that, which might be the State's
20	Attorney's office, but whatever it is, I think that
21	it would be nice.

- Is there -- do you know of anything, Tony,
- that helps people like that now?
- MR. SPIVEY: To report individuals that do not
- have a CAM license?

1 MS. M. ROGERS: Yeah, that are functioning as

- 2 CAM people who have said they had a CAM license.
- 3 MR. SPIVEY: We have that mechanism in the
- 4 department for our unlicensed activity division.
- 5 MS. M. ROGERS: But what can be done about it?
- 6 What is done about it?
- 7 CHAIRMAN BROWN: They actually research it,
- 8 they make the manager become licensed, they can
- 9 take a lot of action --
- 10 MR. SPIVEY: Right.
- 11 CHAIRMAN BROWN: -- against them. So, I mean,
- 12 they --
- MS. M. ROGERS: You would actually license a
- person who had fraudulently told somebody, told an
- association, that they had a CAM license? You
- would actually do that?
- 17 CHAIRMAN BROWN: They review it on a
- case-by-case basis to see whether or not the
- 19 circumstances would require they take additional
- action or if getting the person licensed is in the
- best interest of the community and the State.

- MS. M. ROGERS: How could licensing a person
- who fraudulently put themselves out as a CAM person
- be anything but participating in an illegal action?
- MR. SPIVEY: Well, this is Anthony Spivey.

1 Maggie, first of all, as Chris just said, you just

- 2 can't blanket everyone as being fraudulently. It
- 3 has to be alleged, and that's why we do the
- 4 investigation, to determine it, and then everything
- 5 is taken on a case-by-case basis.
- 6 MR. VACCARO: And this is Tim Vaccaro, and I
- say this very respectfully, but please remember
- 8 that the purpose of today's teleconference is to
- 9 talk about legislative --
- MS. M. ROGERS: Well, that's why I'm talking
- about it because I think there has to be some
- additional thing because -- and I think that the
- people who make a complaint should be notified of
- what's happening, what's going on, if there's ever
- any action taken. Because they make the complaint,
- they stick their necks out, and then there's never
- anything heard again, but nobody ever reports back
- 18 to them.
- 19 And it just, you know -- and I know of a case
- where a man said that he had his CAM license, told
- 21 the whole Board that, and, you know, proceeded to

- come in and rob the Association of its money and
- disappeared, and he actually has an application to
- become a CAM person, CAM manager, but it hasn't
- gone forward apparently.

1	But still,	that's	the kind	of th	nino	that
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- shouldn't be happening. That person should never
- 3 be licensed. A person like that should never be
- 4 licensed.
- 5 And I want to be sure that the Legislature
- 6 does something to protect people of the State of
- 7 Florida that seems to be outside of the realm of
- 8 what we do. And, of course, that is probably why,
- 9 you know, if we were a private -- privatized or we
- were a board, we could do more, hopefully.
- 11 Thank you so much, everybody.
- 12 CHAIRMAN BROWN: Okay. Thank you, Margaret.
- MR. ARMBRUSTER: This is Bill Armbruster. Can
- I make a quick comment on Maggie's comments there?
- MS. M. ROGERS: I wish you would.
- MR. ARMBRUSTER: Yeah, okay. First of all,
- both 718 and 721 have provisions in there for
- providing information within a request within a
- relatively limited period of time. The Condo Act
- 20 basically says within ten working -- or wait a
- 21 minute, let me get this right.

- MS. P. ROGERS: Five working days.
- MR. ARMBRUSTER: It should be given to them
- within five working days, and provides the penalty
- 25 that if they don't get them within ten working days

1	that they can get \$50 per calendar day after ten
2	days, starting on the eleventh day, of receiving
3	the written request.
4	The Timeshare Act says the manager has to
5	provide association records, not including mailing
6	lists, which is a whole other thing, within seven
7	days of receipt of a request.
8	So both 721 and 718 do have provisions for
9	providing records upon request within a
10	basically, within a week. But I can tell you, one,
11	that doesn't happen, and I know of a number of
12	cases where people have told me they've requested
13	information and just gotten completely blown off by
14	the managing entity in the timeshares, and just
15	told, no, we're not giving it to you.
16	Well, first, they take months and months, and
17	when they try and get something done with it, they
18	basically don't seem to have a response.
19	Now, I cannot say, nor can I give an example,
20	of anybody in those situations who have filed a
21	complaint with the State. So I don't really know

- if there's any real merit to that.
- 23 CHAIRMAN BROWN: This is --
- 24 MR. ARMBRUSTER: But --
- 25 CHAIRMAN BROWN: And I thank you for the

- 1 comments, but we're really getting way off track.
- 2 MS. M. ROGERS: Well, I want to -- may I
- 3 respond to that, please, because that's -- I know
- 4 that, and thank you for saying that. I know that's
- 5 true. That is my point, it is exactly my point.
- 6 People can request things and be denied and
- 7 reported and never hear back.
- 8 So I think it's crucial that the staff, or
- 9 whoever is responsible for giving this back to the
- people, should get -- should keep people in the
- loop, that is my point, keep people in the loop so
- they can know what's going on.
- Because, basically, that's one of the biggest
- problems is that people make these complaints, and
- they never hear back. They don't know what's going
- on. So I think it's important that we respond to
- people who make complaints.
- 18 CHAIRMAN BROWN: Okay, thank you.
- 19 Patricia Rogers?
- MS. P. ROGERS: Thank you. I have a number of
- 21 things that -- I've been giving great thought both

- to the information I've received from other
- managers and from what I've heard this morning and
- from my own experiences. I have a number of
- suggestions.

1	I do agree that there's a problem with the
2	apparent lack of enforcement. And I say apparent
3	because I do agree that there are a lot of
4	complaints that are made that are probably not
5	appropriate, and I think that there are two ways
6	that we can address that.
7	One is that I notice in the Condominium Act,
8	there's a time frame for the DBPR to respond to
9	complaints. Perhaps we should consider a time
10	frame to respond to complaints within about a
11	CAM or a CAM licensure, maybe 120 days or
12	thereabout that gives sufficient time to be able to
13	do an initial investment investigation and at
14	least send back a letter saying we found
15	information in our research and are doing
16	something, or we found that it's not valid, sorry,
17	or however.
18	The second issue along those lines has to do
19	with the invalid complaints. And while I agree
20	that probably some of it is because individuals
21	don't know how to put together the appropriate

- information to show that the complaint is valid, I
- think that if a complaint is found invalid, it
- should not sit on the record forever. That if a
- complaint is made, and it's found invalid, and no

1	other comp	laints are	made, at	fter five	years,	it
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- 2 should be expunged from the record. That's similar
- 3 to what is done for other entities.
- 4 Third, I hear what everybody is saying about
- 5 the CAM education, and I wholeheartedly agree.
- 6 There is no way, in 24 hours, we can prepare
- 7 someone to be a manager.
- 8 However, that being said, I think that those
- 9 of us who are managers are going to tell you that
- this is like many professions. Just like a doctor,
- when you come out of med school and you get your
- degree and you've been an intern and now you get to
- go be a doctor, you know very little, and what you
- learn is through classroom and through experience.
- 15 They can only teach you so much in the class.
- Likewise, that's true for a CAM or a real estate
- agent or any other professional.
- I would like to see the class increase to 40
- 19 hours. I would like to see more emphasis on
- 20 certain areas of education, such as physical
- 21 maintenance, which we really have very little time

- to review at this point.
- So there are certain issues that I think need
- to be addressed within education that could better
- prepare the CAM for the job.

1	Secondly, I think that there needs to be
2	greater, not less, CE requirements. Again, it's
3	like a doctor. He comes out of school, he knows
4	very little. He gets a lot from his patients, he
5	gets a lot from the CE. As he learns from his
6	patients and gains questions from their conditions,
7	he goes back to the CE classes and asks questions
8	and gains additional information.
9	Likewise, that's true in class. You go in and
10	find out that the pipe burst in the wall. Now you
11	go to a class on maintenance, you can ask about
12	those things. You didn't know that you lacked that
13	knowledge until it happened. There's no way you
14	can make a person a master of all trades, which
15	would be what you would have to do. So those would
16	be my comments on education.
17	Next I do think that the CAM council should be
18	changed into a board with the powers vested in a
19	board. I think that we've discussed that before,
20	so I won't go any further on that.

Let's see, a couple of other things. I hear

- what you're saying, Maggie, about the 24 to 48
- hours, but I think what has to happen is that there
- has to be swifter enforcement on the five day, five
- working day and ten working day business rule

1	issue, and that that really fails under
2	administrative rules, but I agree that that's
3	something that needs to be looked at at a different
4	date.
5	Last, on the subject I know that is, in some
6	of our minds, tangential to the council, I do think
7	that we need to support an omnibus community
8	association, though. And I give that as something
9	I think we need to do without perhaps being
10	directly involved in the language for the following
11	reasons: As the Legislature has proceeded over the
12	past several years, the laws pertaining to condos,
13	co-ops, timeshares, HOAs, mobile homes have become
14	incredibly divergent. And for a management firm
15	that might manage cooperatives, condominiums, HOAs,
16	it's very difficult for them to know all of the
17	rules.
18	We need to bring those that can be consistent

more into consistency. And I'll give you examples.

In estoppel fees, a condominium must pass a motion

for estoppel fees. HOAs can establish any estoppel

19

20

- fee they want. Co-ops can only do what's in the
- maximum of the -- that's 719. Financial reports,
- each one has slightly different regulations.
- Liens, each one has slightly different lien

1	requirements, and it's very difficult for a manager
2	to keep it clear.
3	And I think that if we can agree that we
4	support the idea of an omnibus community
5	association bill, we do not have to directly be
6	involved in the writing of it. That would be it
7	for me.
8	CHAIRMAN BROWN: Okay. Thank you, Patricia.
9	This is Chris Brown. Of those that were mentioned,
10	Patricia just mentioned about the removal of a
11	complaint, which is on a CAM's record even after
12	it's been found that the CAM didn't commit the
13	violation or do anything wrong, that was the one
14	issue that I felt we received the most comments on
15	in support of removing that from the CAM's record.
16	I also think the Department spends a lot of
17	needless time where this would be consistent with,
18	you know, the request for the Accelerate Florida
19	for today because they have to keep explaining to
20	CAMs why it's still there, and my understanding is

that CAMs are the only profession that leaves

- 22 unfounded complaints on their record.
- Also the General Counsel's office also
- requested the change, that it be removed, because
- 25 they also spend a lot of time talking to CAMs about

1	getting it removed and explain they can't do it, it
2	can't be removed even after the CAM has been found
3	not to have done anything wrong.
4	So I think that that change would definitely
5	be in the best interest of the CAMs, but would also
6	save time and money from the State's point of view.
7	Regarding Steve's suggestion on privatization,
8	I believe our next meeting that we have in August,
9	that will be the one of the main issues. The
10	study is being, you know, forwarded to the
11	different council members, and I believe we will
12	be, at that time, deciding whether or not to have
13	the representative that created the study would
14	come to the next meeting after that so that he
15	could answer any questions that the council members
16	had. I believe that, Steve, will be addressed at
17	the next council meeting.
18	And I'm going to ask Tony and Tim where we
19	actually go from this point in today's meeting as
20	far as because I don't believe the Department
21	actually wanted motions. We were told that we

- weren't going to really do any motions, they wanted
- 23 this to be more -- I'm getting some --
- MR. BRENNAN: Mr. Chair, this is Terence
- 25 Brennan.

1	CHAIRMAN BROWN:	Ves?
	CHAINMAN DICOWN.	1 65 :

2 MR. SPIVEY: Just a minute. Mr. Brown, let me

- 3 comment on that first. This is Tony Spivey.
- 4 Chris, that is correct. We are not taking any
- 5 motions from the council members today. I just
- 6 wanted to get your suggestions, as I've already
- 7 done from my other boards, and we're just taking
- 8 this information and submitting it directly to the
- 9 Secretary's office and our Legislative Affairs
- office for review.
- 11 CHAIRMAN BROWN: Okay.
- MR. SPIVEY: So there are no motions required
- 13 today.
- 14 CHAIRMAN BROWN: Okay. And so then I'm
- assuming that council members don't need to debate
- each suggestion or anything? I mean, just the fact
- that it was made is sufficient for you all to then
- review it?
- MR. SPIVEY: That is correct.
- 20 CHAIRMAN BROWN: Okay, very good.
- MS. M. ROGERS: Will we get -- this is Maggie

- Rogers. Will we get a copy of your review?
- MR. VACCARO: Ms. Rogers, this is Tim Vaccaro
- from the Department. I don't know, at this point,
- whether or not there's going to be any formal sort

of written report of the suggestions. We'll just

- 2 bring those suggestions to the Secretary's office
- and the Office of Legislative Affairs.
- 4 MS. M. ROGERS: Can we get a copy of it?
- 5 Could you send a copy to the Regulatory Commission
- 6 members, please, or post it?
- 7 MR. VACCARO: When you say a copy, do you mean
- 8 a copy of the final proposal?
- 9 MS. M. ROGERS: Yes, a copy of your final
- report, could we see that?
- 11 MR. VACCARO: I will check on that for you.
- We'll be happy to get back to you on that.
- MS. M. ROGERS: Okay. Thank you, Tim.
- MS. P. ROGERS: Mr. Chair, this is Patricia
- 15 Rogers.
- 16 CHAIRMAN BROWN: Yes, Patricia?
- 17 MS. P. ROGERS: Tony and Chris, I just wanted
- to thank you for putting together the meeting. I
- think it's really important that we get to, you
- 20 know, view the concerns and hear concerns in this
- 21 matter, and I really appreciate your giving us the

- 22 opportunity.
- 23 CHAIRMAN BROWN: Thank you.
- MR. BRENNAN: Mr. Chair?
- 25 CHAIRMAN BROWN: Yes?

1	MR	BRENNAN.	Would it be	possible for us to.
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- 2 just since we spoke in order and just kind of went
- 3 in a circle, to go around again to comment on
- 4 things that we may have picked up on the way or
- 5 amplify on other people's observation?
- 6 CHAIRMAN BROWN: Well, that was -- that was
- 7 Terence who was just talking, right?
- 8 MR. BRENNAN: Yes, it was. It was.
- 9 CHAIRMAN BROWN: Okay, thank you.
- MR. COLIONE: This is Bill Colione with a
- 11 question. Are the CAM license --
- 12 CHAIRMAN BROWN: I need to address Terence.
- 13 Terence asked a question, let me answer Terence.
- MR. BRENNAN: We have a lot of background
- noise all of a sudden from somewhere. Okay, it
- seems to be gone.
- 17 CHAIRMAN BROWN: Let me try to answer that.
- 18 That's what I was asking Tony and Tim about,
- 19 Terence, was whether it was necessary to go around
- again so the members can comment on any of the
- 21 other members' comments, and it was believed that

- that wasn't necessary, that they were just going to
- take, you know, all of the suggestions and begin
- 24 their process from that, so --
- 25 MR. BRENNAN: Well --

	other gen	tleman that
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- 2 wanted to speak?
- 3 MR. COLIONE: Yes, it was me, Bill Colione.
- 4 CHAIRMAN BROWN: Okay, Bill, go ahead.
- 5 MR. COLIONE: I have a question. Are the CAMs
- 6 licensed to work part time or full time?
- 7 CHAIRMAN BROWN: If CAM --
- 8 MR. COLIONE: Are the license issued on a
- 9 full-time basis or a part-time basis?
- 10 CHAIRMAN BROWN: If a CAM breaks the threshold
- where a license is required, it's required, whether
- he's working full time or whether he's working part
- time. It depends on the, you know, number of
- associations, the number of money that's involved.
- 15 If he meets that threshold, he has to be
- licensed whether he's doing it on a part-time basis
- or a full-time basis.
- MR. COLIONE: I see, so it's not a requirement
- from the Board?
- 20 MS. P. ROGERS: No, that's -- Mr. Chair, can I
- 21 respond? This is Patricia.

- 22 CHAIRMAN BROWN: Sure.
- MS. P. ROGERS: Let me clarify, there's no
- requirement in Florida that a community association
- 25 hire a manager; however, if someone is paid to

- 1 provide community association work, compensated
- with money or a unit or in any other manner, and he
- 3 provides oversight, that community association
- 4 management, to more than ten units, whether it's
- 5 one association or two or three, or more than
- 6 \$100,000 revenues, whichever is less, that person
- 7 must be a licensed community association manager.
- 8 Does that clarify it?
- 9 CHAIRMAN BROWN: Right, regardless of whether
- he's doing it in a part-time or full-time capacity.
- MR. COLIONE: But it's not a requirement to if
- a CAM association decides not to?
- MS. P. ROGERS: No, it's not.
- 14 MR. COLIONE: Thank you.
- 15 CHAIRMAN BROWN: An association could be
- self-managed, right.
- MR. COLIONE: Okay, then I have the next
- question. Do husband and -- okay, let me give you
- 19 example, where I am. We have the CAM, who just
- 20 took the license, and his wife as the treasurer.
- In my opinion, it's a strict conflict of interest.

- 22 CHAIRMAN BROWN: You'd really --
- 23 MR. COLIONE: -- controls.
- 24 CHAIRMAN BROWN: You really would need to
- direct that either to the Bureau or to the

- 1 Association's attorney for a legal opinion. We
- 2 really couldn't address --
- 3 MR. COLIONE: No, no, I understand that.
- 4 CHAIRMAN BROWN: Okay.
- 5 MR. COLIONE: But can something be done about
- 6 it? We do have a lot of fraud going on and would
- 7 like to protect that if we anticipate the problem.
- 8 CHAIRMAN BROWN: If you believe that there's a
- 9 violation, you really would want to get in touch
- with the Bureau, you know, and file a complaint,
- 11 you know, for your association, or discuss the
- matter, if you're on the Board, with the
- Association's attorney, then the Association's
- attorney will tell you whether or not, you know,
- that there's a probable violation here or what the
- 16 Board of Directors should do about it.
- MR. COLIONE: Well, according to the statute,
- it's legal. But according to the ethical
- procedure, it's not. That's the reason why I'm
- 20 proposing the question.
- 21 CHAIRMAN BROWN: Okay. Well, if it's legal,

- the Bureau is probably going to tell you that it's
- 23 legal, and you really then would probably just need
- to discuss it with the association's attorney and
- see what the association's attorney advises.

- 1 MR. COLIONE: Of course nobody is going to
- 2 advise.
- 3 CHAIRMAN BROWN: And I did want to give you

- 4 your opportunity to talk. I mean, we really
- 5 have --
- 6 MR. COLIONE: No, no, that's fine. Thank you,
- 7 you've answered my question.
- 8 CHAIRMAN BROWN: But I did want to give you
- 9 your opportunity.
- Did we have any other closing --
- MR. RICHARDS: Yes, Chairman Brown?
- 12 CHAIRMAN BROWN: Yes?
- MR. RICHARDS: David Richards, I'm one of the
- providers of both prelicensure and continuing
- education for the CAMs.
- 16 CHAIRMAN BROWN: Uh-huh, go ahead.
- MR. RICHARDS: I have a comment as to the
- legislative suggestions.
- 19 CHAIRMAN BROWN: Okay.
- MR. RICHARDS: My comment is that in reference
- 21 to the in-person instruction, it is my

- recommendation that, in these hard economic times,
- that's expected to continue for years, the
- in-person instruction should be reworded to allow
- 25 candidates the choice of online distance

- 1 correspondence, or, if they choose, in-person
- 2 prelicensure or education.
- 3 As to the comment of increasing the
- 4 prelicensure requirements to 40 hours, some of the
- 5 providers that have to rent space in hotels and
- 6 motels to present this course, it would be cost
- 7 prohibitive.
- 8 The other thing is within that same paragraph,
- 9 it's paragraph 23(d) states, "A licensee shall not
- be required to comply with continuing education
- requirements prior to the first licensing renewal."
- 12 Statistically, in 2007, there was 2,052 CAMs;
- and in 2008, 2,185 CAMs; and currently this year,
- 14 1,182 new CAMs. That means that of the 13,000
- currently licensed CAMs, approximately 40 percent
- of those licensed are not taking the legal updates.
- 17 Therefore, they're at a disadvantage.
- I get calls all the time from people that have
- their license, "What do I do in this case?" I say,
- "You need to take the legal update each year."
- 21 CHAIRMAN BROWN: Okay.

- MR. RICHARDS: So that would be my
- recommendations as a provider and one of those
- people that are also out there, you know, having to
- 25 teach these people to get their managers' license.

1 CHAIRMAN BROWN: Okay, thank you	very much.
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- 2 Did we have any other closing --
- 3 MR. ARMBRUSTER: Yes, this is --
- 4 MR. BRENNAN: Mr. Chairman?
- 5 CHAIRMAN BROWN: Yes?
- 6 MR. BRENNAN: I'm just returning to my request
- 7 to kind of do at least one little -- one go around.
- 8 Is it -- might I make a motion that we take the
- 9 census of the Board and see what the Board -- or
- the council members, excuse me, not board members,
- would like to do?
- 12 CHAIRMAN BROWN: It was specific that we
- weren't going to do any notions. That was specific
- instructions that the Department had received, that
- there wouldn't be any motions.
- MR. BRENNAN: I see. Might I request then
- that you, as chairman, take the census of the
- council and see what the council members would like
- to do on that?
- I doubt that it would take very much time and
- 21 give some people an opportunity to express thoughts

- that they had along the way.
- MR. ARMBRUSTER: Before you do that, could I
- make a real quick comment? This is Bill
- Armbruster, and I'd like to see one thing, if it

1	would be possible to add into the statute, under
2	the definitions, it tells what a community
3	association means. I would request that you add
4	timeshare resort or timeshare association into
5	that, even though it would certainly be covered
6	under the other residential units, which are part
7	of a residential development, and recognizing that
8	there is a provision specifically regarding
9	timeshare.
10	I have been in the situation where there has
11	been a developer who said, "Well, that really
12	doesn't apply to us because our timeshare is not a
13	condominium, and, therefore, it doesn't you
14	don't need to have a manager that's CAM licensed.
15	And those folks need it as desperately as anybody
16	out there.
17	So I would request that that just be added in
18	as part of the definitions of what a community
19	association means as far as related to requiring a
20	CAM.

CHAIRMAN BROWN: Okay, thank you.

- And going back to Terence's suggestion, I'll
- ask the other council members, do you want to go
- around again?
- I don't know that it's necessary, but if

1 that's what all the council members would like to

- 2 do, we can do that.
- 3 MS. MORAN: This is Kelley Moran. I have
- 4 nothing further.
- 5 MR. CZONSTKA: Steve Czonstka, I don't think
- 6 it's necessary.
- 7 MR. BRENNAN: Well, Terence Brennan, obviously
- 8 I would prefer to do it.
- 9 MS. P. ROGERS: Patricia Rogers. I don't
- really have anything to add, but if Terence wanted
- to comment, I would be certainly open to hearing
- 12 it.
- 13 CHAIRMAN BROWN: All right. Why don't we just
- do this, Terence, if you've got something, you
- 15 know, some closing thought --
- MR. BRENNAN: Yeah, okay. I just wanted to
- 17 comment on getting a little closer to efficiency,
- that providing if the Department can provide
- 19 feedback to complainants on what is going on with
- their complaints, it would perhaps save time and
- 21 money by keeping a valid complaint on the right

- track and taking care of complaints that are on the
- wrong track.
- I think, currently, there's kind of a wall in
- between that prevents really an efficient

1 processing of what's really being complained about, 2 sometimes. 3 On the number of hours for education, I very 4 much agree with Patricia, that an omnibus bill 5 would be a very good thing for improving the 6 efficiency of education for CAMs, and I would 7 certainly favor that as something to develop. 8 Regarding CEUs, the comments a moment ago on 9 CAMs not taking their legal updates and perhaps 10 taking other things, you can't really force an 11 education on somebody. I think that encouraging 12 it, though, is a very good thing, and perhaps CAMs 13 could be certified in selected areas when they took 14 courses but be required to take legal updates and 15 stay updated with the law. 16 I would say on privatization that I strongly 17 feel that regulatory operations, such as we have 18 here, should be a State responsibility, and 19 privatization, I think, is a bad economy. I think 20 that this should stay firmly within the hands of 21 the State and should be, of course, made as

- efficient as possible. I don't think that
- privatization is a good thing.
- And let me see, that was about it I think on
- what I had to comment on. Oh, on the removal of

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<ul> <li>a number of years, and that might be a compromise</li> <li>of sorts for to allow somebody's record to</li> <li>improve with time as opposed to getting</li> <li>contaminated.</li> <li>But I do think that providing the providing</li> <li>genuine information to the public without requiring</li> </ul>
<ul> <li>improve with time as opposed to getting</li> <li>contaminated.</li> <li>But I do think that providing the providing</li> </ul>
<ul> <li>6 contaminated.</li> <li>7 But I do think that providing the providing</li> </ul>
7 But I do think that providing the providing
8 genuine information to the public without requiri
9 members of the public to go through the rigors of
public records request and paying large amounts
money to get big piles of paper, doing as much of

complaints, which is where I started out in the

their own research and see what was going on and -both in understanding their own and other
complaints.

So, anyway, that's -- those are the further
comments I had, and I appreciate the opportunity to
make them. Thank you.

that as possible on the Internet would reduce the

cost to the Department because people could do

20 CHAIRMAN BROWN: Okay, thank you. I think21 that concludes our business. Tony, Tim, did you

- have anything else?
- MR. VACCARO: Nothing to add, other than if
- the members have any individual suggestions that
- 25 they want to get back to us by August 7th, that

- 1 would be fine.
- 2 CHAIRMAN BROWN: Okay, very good.
- 3 MR. DENNIS: Tony, this is Tim Dennis with the
- 4 AG's office. I just wanted to make sure that I was
- 5 noted on the role. I had said my name earlier, but
- 6 I don't think it got caught at the beginning of the
- 7 meeting.
- 8 MR. SPIVEY: This is Tony. Yes, we did, we
- 9 got you.
- 10 MR. DENNIS: Thank you.
- 11 MR. SPIVEY: You're welcome.
- 12 CHAIRMAN BROWN: All right. I thank everyone
- for coming, and thank you for your participation,
- and we will let the Department work this matter
- through from here.
- MR. SPIVEY: Yeah, thank you all for your
- 17 participation. This is Tony Spivey.
- MS. M. ROGERS: Thank you.
- 19 MS. P. ROGERS: Thank you.
- 20 CHAIRMAN BROWN: Thanks.
- 21 (Whereupon, the digitally recorded meeting was

22	concluded.)
23	
24	
25	

1	CERTIFICATE
2	STATE OF FLORIDA )
3	COUNTY OF LEON )
4	I hereby certify that the foregoing transcript
5	is of a digital recording taken down by the
6	undersigned, and the contents thereof were reduced to
7	typewriting under my direction;
8	That the foregoing pages 3 through 44
9	represent a true, correct, and complete transcript of
10	the digital recording;
11	And I further certify that I am not of kin or
12	counsel to the parties in the case; am not in the
13	regular employ of counsel for any of said parties; nor
14	am I in anywise interested in the result of said case.
15	Dated this 20th day of October, 2009.
16	
17	
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19	
20	MARLO D. FARNSWORTH
21	Certified Shorthand Reporter

22	Notary Public
23	State of Florida at Large
24	
25	