

Chuck Drago, Interim Secretary

Charlie Crist, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
May 20 and 21, 2008
General Meeting**

Chair S.W. Ellis called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 20th day of May, 2008.

The following Commission members were in attendance: Chair S.W. Ellis, Vice-Chair Ralph McCoig, Richard DeNapoli, Roger P. Enzor, Poul Hornsleth, Michael Guju, and John Ruffier. Tom Barnhart, Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Thomas O'Bryant, Jr., Division Director and Executive Director for the Commission; Juana C. Watkins, Deputy Director; James P. Harwood, Chief Attorney; Kathleen Koeberich, Bureau Chief of Enforcement; Joe Solla, Shiv Persaud, Robert Minarcin, Patrick Cunningham, Jason Holtz and Allison C. McDonald, Senior Attorneys; James Corchaine, Investigator II; Denise Johnson, OMC II; JoEllen Peacock, Education Coordinator; Zack Hayhurst, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407.896.1813) provided court reporter services.

Approval of the Minutes

The Commission unanimously approved the Minutes of the April 15 and 16, 2008, General Meeting, as amended.

Unlicensed Activity Report

Bureau Chief of Enforcement, Kathleen Koeberich presented the Unlicensed Activity Report and the Enforcement Report. Director O'Bryant and Ms. Koeberich addressed questions from the Commission.

Course Denial

Director O'Bryant presented for the Commission's consideration, continuing education course titled "Feng Shui for Realtors" which was submitted for renewal as a 3-hour course. Director O'Bryant recommended the Commission deny this course for continuing education credits. Commissioner Hornsleth moved to deny the renewal of continuing education course. Commissioner Ruffier seconded the motion. The motion carried unanimously.

Financial Report

Director O'Bryant presented financial reports regarding the Operating, Education and Research Foundation and Unlicensed Activity accounts. Director O'Bryant provided an overview of the reports and addressed questions and comments from the Commissioners.

Ratification of Suspended Licenses

Director O'Bryant requested the Commission ratify reinstatement of the real estate licenses of Erik Conde, Marilyn Cruz, Justin David Marrill, Arthur S. Meyer, Ari Sandor Mutchnik and Ronald Senatus, who have met all requirements for reinstatement. The Commission ratified the actions unanimously.

Escrow Disbursement Orders

Senior Attorney Joseph Solla presented 40 Escrow Disbursement Orders and 15 Orders for Commission consideration. Upon recommendation of the Legal Section, the Commission issued 40 Escrow Disbursement Orders and 15 Orders.

DOAH Recommended Order - Applicant

Dawn J. Ellis v. FREC – DOAH Case No. 07-4522

FREC Counsel Tom Barnhart presented the Recommended Order of the Administrative Law Judge (ALJ). Ms. Ellis appeared in support of the Recommended Order. Mr. Barnhart presented Exceptions to the ALJ's Findings of Facts. The Commission considered the Recommended Order of the Division of Administrative Hearings and Respondent's Exceptions. Commissioner Ruffier moved to adopt the ALJ's Recommendation approving Petitioner's application for licensure as a real estate sales associate, however, reject the Findings of Facts in paragraphs 11, 33, 34, 35, 37, 39, 41, 42 and 43. Vice-Chair McCoig seconded the motion. The motion carried unanimously.

Legal Docket

The Commission addressed the Legal Agenda, consisting of 30 docket items. The Commission considered 22 docket items and approved the continuance or withdrawal of 8 docket items. The Commission's decisions on these matters are attached to the official minutes maintained at the Division of Real Estate headquarters.

Consent Agenda

The Commission considered six applicants from the Consent Agenda. Commissioner Hornsleth moved to approve six applicants from the Consent Agenda. Commissioner Ruffier seconded the motion. The motion carried unanimously.

Director's Comments

Director O'Bryant provided a brief update regarding the following topics:

- **Public Service Week** – Last week Director O'Bryant honored Division staff for their service to the public. Director O'Bryant announced that the following individuals received awards for their outstanding service: Susan Bailey, Jason Frees, Robert Minarcin, Brian Piper, and Beverly Ridenauer.
- **Instructor Continuing Education Seminars** – Upon the recommendation of the Commission three seminars are scheduled for this year and four will be scheduled for 2009 in various locations throughout the state. Two seminars are scheduled for July and one in September of this year. Notification will be mailed by the end of the week.
- **October FREC and FREAB Meetings** – The October General meetings for both FREC and FREAB will be held in Ft. Lauderdale at the Doubletree Gallery One.
- **On-Base Document Imaging Project** – The Legislature approved additional funding to bring the Department to conclusion of the project. The first part of the project, which includes licensing processes, will be complete by June 15, 2008. Next fiscal year the complaint resolution processes will be included in on-base document imaging. Additionally, the Commissioners will receive laptops in order to receive the monthly materials on disc for review each month.
- **Legislative Report** – The Legislature allocated two additional full-time equivalent positions to the Division which will be assigned in the Appraisal Section.

The Department's Bill 601 is on the Governor's desk awaiting signature, which in part affects the Division of Real Estate. The Division will notice a rule workshop for July to address rules affected by the statutory changes. Director O'Bryant addressed questions from the Commissioners.

- **FREC Newsletter** – Communications completed its review of the FREC Newsletter and it is in the Office of the Secretary pending final approval.

Public Comments

Commissioners received comments from the audience.

The Chair adjourned the meeting at approximately 2:30 p.m.

May 21, 2008

Chair S.W. Ellis reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 21st day of May, 2008.

The following Commission members were in attendance: Chair S.W. Ellis, Vice-Chair Ralph McCoig, Richard DeNapoli, Roger P. Enzor, Poul Hornsleth, Michael Guju and John Ruffier.

Tom Barnhart, Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Thomas O'Bryant, Jr., Division Director and Executive Director for the Commission; Juana C. Watkins, Deputy Director; James P. Harwood, Chief Attorney; Denise Johnson OMC II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407.896.1813) provided court reporter services.

Summary of Applicants

Denise Johnson, OMC II, presented 19 Summary of Applicants requesting to sit for the real estate examination. The Commission's decisions on these matters are attached to the official minutes maintained at the Division of Real Estate headquarters.

Public Comments

The Commission received comments from the audience.

Chair's Remarks

Chair Ellis provided a brief report of her attendance at the ARELLO meeting together with Vice-Chair McCoig and Commissioner Hornsleth. Commissioner Hornsleth also provided a brief report. Commissioner McCoig reported favorably of his experience at the ARELLO meeting and requested that the Department consider approving attendance of all the Commissioners at the next annual meeting.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 11:30 a.m. The next general meeting of the Florida Real Estate Commission is scheduled for June 17 and 18, 2008, in Orlando, Florida.

S.W. Ellis, Chair
Florida Real Estate Commission

Thomas W. O'Bryant, Jr.,
Executive Director
Florida Real Estate Commission

Respectfully submitted,

Lori L. Crawford
Deputy Clerk, FREC
Regulatory Supervisor/Consultant