

Chuck Drago, Interim Secretary

Charlie Crist, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
June 17 and 18, 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 17th day of June, 2008.

The following Commission members were in attendance: Chair S.W. Ellis, Vice-Chair Ralph McCoig, Richard DeNapoli, Roger P. Enzor, Michael Guju, and John Ruffier. Commissioner Hornsleth was excused. M. Catherine Lannon, Senior Assistant Attorney General, appeared as counsel for the Commission. Ms. Lannon declared a quorum present.

Division staff present at the meeting: Thomas O'Bryant, Jr., Division Director and Executive Director for the Commission; 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; 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 May 20 and 21, 2008, General Meeting, as written.

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 "A Realtors Guide to Thermal Imaging" which was submitted as a 4-hour course. Director O'Bryant recommended the Commission deny this course for continuing education credits. Commissioner Ruffier moved to deny the renewal of continuing education course. Commissioner Guju seconded the motion. The motion carried unanimously.

Ratification of Suspended Licenses

Director O'Bryant requested the Commission ratify reinstatement of the real estate license of David Tison who has met all requirements for reinstatement. The Commission ratified the action unanimously.

Escrow Disbursement Orders

Senior Attorney Joseph Solla presented 66 Escrow Disbursement Orders and 6 Orders for Commission consideration. Mr. Solla withdrew item number 59. Upon recommendation of the Legal Section, the Commission issued 65 Escrow Disbursement Orders and 6 Orders.

Recovery Fund Claim

RFC Case No. 200825195 – L & I, Inc. v. John Lichten. Mr. Solla presented this matter for the Commission's review and consideration. He stated that the claimant's request falls outside the two-year statute of limitations for notifying the Commission. Commissioner Guju moved to deny payment from the recovery fund. Commissioner Ruffier seconded the motion. The motion carried five to one.

Legal Docket

The Commission addressed the Legal Agenda, consisting of 65 docket items. The Commission considered 45 docket items and approved the continuance or withdrawal of 20 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 seven applicants from the Consent Agenda and required seven applicants to appear at a future meeting.

Director's Comments

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

- **October FREC Meetings** – The general meeting is scheduled for October 14 and 15, 2008 and will be held in Ft. Lauderdale at the Doubletree Gallery One.
- **Instructor Continuing Education Seminars** – For the 2009 renewal cycle the Division has scheduled seminars for July 28th at the St. Petersburg Community College in Pinellas County; July 30th at the Miami-Dade Community College in Miami-Dade County; and September 30th at the Brevard Community College in Brevard County of this year. Notifications have been sent to the instructors. In 2009 the Division will be holding four seminars in various locations throughout the state. These locations will be different from the seminars held in 2008.
- **On-Base Document Imaging Project** – The Division has begun implementing the On-Base document imaging system and should be fully operational by Tuesday,

June 24, 2008. Within the next six months or so the Commissioners will receive laptops in order to receive the agenda materials on disc for review each month.

Public Comments

Commissioners received comments from the audience.

The Chair adjourned the meeting at approximately 3:00 p.m.

June 18, 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 18th day of June, 2008.

The following Commission members were in attendance: Chair S.W. Ellis, Vice-Chair Ralph McCoig, Richard DeNapoli, Roger P. Enzor, Michael Guju and John Ruffier. Commissioner Hornsleth was excused. M. Catherine Lannon, Senior Assistant Attorney General, appeared as counsel for the Commission. Ms. Lannon declared a quorum present.

Division staff present at the meeting: Juana C. Watkins, Deputy Director; James P. Harwood, Chief Attorney; Kathleen Koeberich, Bureau Chief of Enforcement; Denise Johnson OMC II; JoEllen Peacock, Education Coordinator; Zack Hayhurst and Jeannie Adkinson, Regulatory Specialist III; Regulator Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407.896.1813) provided court reporter services.

Summary of Applicants

Denise Johnson, OMC II, presented 32 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.

General Workshop

The purpose of this workshop is to discuss duties of unlicensed assistants. The Commission reviewed and discussed a list of duties unlicensed assistants may perform. This list was approved by a former Commission at the January 1992 meeting. The Commission received comments from the audience. Chair Ellis requested that Commissioner Guju form a taskforce to gather information for review at the September FREC meeting.

Public Comments

Commissioners received comments from the audience.

Chair's Remarks

Chair Ellis announced that the October FREC meeting will be held in Ft. Lauderdale.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 3:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for July 14 and 15, 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