

Chuck Drago, Secretary

Charlie Crist, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
July 15 and 16, 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 15th day of July, 2008.

The following Commission members were in attendance: Chair S.W. Ellis, Vice-Chair Ralph McCoig, Richard DeNapoli, Roger P. Enzor, Michael Guju, and Poul Hornsleth. Commissioner Ruffier was excused. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart 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; Joe Solla, Shiv Persaud, Robert Minarcin, Patrick Cunningham and Allison C. McDonald, Senior Attorneys; Denise Johnson, Operation Management Consultant, II; Zack Hayhurst, Regulatory Specialist III; Mica Smith, Complaint Analyst; 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 June 17 and 18, 2008, General Meeting, as written.

Unlicensed Activity Report

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

Escrow Disbursement Orders

Senior Attorney Joseph Solla presented 41 Escrow Disbursement Orders and 3 Orders for Commission consideration. Upon recommendation of the Legal Section, the Commission issued 41 Escrow Disbursement Orders and 3 Orders.

Recovery Fund Claim

RFC Case No. 2007038300 – Edward R. Vega v. Deborah Lynch. Mr. Solla presented this matter for the Commission’s review and consideration. Mr. Solla stated that the claimant does not qualify to receive payment from the recovery fund and recommended the Commission deny the request. Vice-Chair McCoig moved to deny payment from the recovery fund. Commissioner Guju seconded the motion. The motion carried unanimously.

Legal Docket

The Commission addressed the Legal Agenda, consisting of 31 docket items. The Commission considered 19 docket items and approved the continuance or withdrawal of 12 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 and required one applicant to appear at a future meeting.

Ratification of Suspended License

Deputy Director Watkins requested the Commission ratify reinstatement of the real estate license of Donna Crawford who has met all requirements for reinstatement. The Commission ratified the action unanimously.

Rules Workshop

The Commission reviewed the following rules and recommended revisions as follows:

- ◆ 61J2-2.027 – “Character Inquiry into Individual Applicants”
 - (2) had any judgment or decree ~~has been~~ rendered against the applicant for fraud or dishonesty;
 - (3) “~~The application of a natural person. An individual applicant~~ for active licensure, whether the applicant expects to operate alone, or as a partner, or with a corporation, or as a sales associate ~~is governed by substantially the same rule and forms. ...~~” Strike language in (1) in its entirety. “... (2) ~~The applicant~~ must make it possible to immediately begin the inquiry...” Additional grammatical changes addressed. A copy of the recommended changes is attached hereto, incorporated herein as part of these minutes.

Commissioner Hornsleth moved to proceed with the recommended changes for publication of rule development. Commissioner Guju seconded the motion. The motion carried unanimously.

- ◆ 61J2-24.003 – Notification of Noncompliance
 - 1(a) through (m) – No change.
 - (n) ~~Subsections 61J2-17.012(1) and (3), F.A.C. Section 475.451(8), F.S. – failure to maintain the course roster as required~~ keep registration records, course rosters, attendance records, a file copy of each examination and progress test, and all student answer sheets for a period of at least 3 years subsequent to the beginning of each course and make them available to the department for inspection and copying

upon request.

~~(e) Subsection 61J2-17.012(2), F.A.C. – failure to deliver the course roster as required.~~

~~(p o) Subsection 61J2-17.013(2), F.A.C. – failure to obtain a permit for a school location.~~

~~(q p) Rule 61J2-17.014, F.A.C. – improper use of a guest lecturer.~~

~~(r q) Rule 61J2-17.015, F.A.C. – improper recruiting; failure to post the required statement.~~

~~(s) Section 475.25(1)(m), F.S., and Rule 61J2-3.009, F.A.C. renewed license without having complied with Rule 61J2-3.009, F.A.C., and voluntarily notified the DBPR within thirty (30) days after the renewal cycle ended. (double strikeout previously approved by the Commission)~~

Commissioner DeNapoli moved to proceed with the recommended changes for publication of rule development. Commissioner Hornsleth seconded the motion. The motion carried unanimously.

Public Comments

Commissioners received comments from the audience, including a request from Rania Soliman, Attorney with the Florida Association of Realtors, requesting the Commission revisit 61J2-24.003 – Notice of Noncompliance and consider adding language for the first time offense of violation of Rule 61J2-14.008(2)(b), F.A.C. specifically as it relates to escrow funds placed with a title company or an attorney. The Commission agreed to hold a rule workshop at a future meeting to address this issue.

The Chair adjourned the meeting at approximately 4:30 p.m.

July 16, 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 16th day of July, 2008.

The following Commission members were in attendance: Chair S.W. Ellis, Vice-Chair Ralph McCoig, Richard DeNapoli, Roger P. Enzor, Michael Guju and Poul Hornsleth. Commissioner Ruffier was excused. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart 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; Zack Hayhurst and Jeannie Adkinson, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407.896.1813) provided court reporter services.

Summary of Applicants

Denise Johnson, OMC II, presented 26 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.

Deputy Director's Comments

Deputy Director Watkins provided a brief update regarding the following topics:

- **On-Base Document Imaging Project** – The Division has implemented the On-Base document imaging system. The Division is currently receiving applications electronically and is scanning incoming mail into the system for electronic distribution. Hopefully by the end of the year the Commissioners will receive laptops and begin receiving the agenda materials on disc for review each month.

Commission Update

Commissioner Guju provided a brief update regarding the duties of unlicensed assistants. Commissioner Guju reported that Director O'Bryant, who is the point-person on this issue, requested the Commission delay discussion for the next few months to allow adequate time for preparation.

Chair's Remarks

Chair Ellis addressed the following topics:

- ARELLO Annual Convention – Requested that the full Commission attend the ARELLO Convention in Indianapolis, Indiana, October 18-20, 2008. Several of the Commissioners weighed in on and agreed with this request.
- FAR Convention & Trade Show – suggested at least two Commissioners attend the convention scheduled for September in Orlando.
- NAR Annual Governance Meeting - scheduled for November 5-10, 2008. Requested the Department approve the attendance of two Commissioners.
- Requested a Complaint Process Flow Chart and Organizational Chart and place this topic on next month's agenda.
- Requested the Legal Agenda be listed in order of the oldest complaint first.
- Requested to hold a rule development workshop for Rule 61J2-24.006 to review the language that addresses dress code.
- October FREC meeting will be held in Ft. Lauderdale.

Public Comments

Commissioners received comments from the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 12:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for August 19 and 20, 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