

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
April 17 and 18, 2007  
Meeting**

Chair Poul Hornsleth called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 17<sup>th</sup> day of April, 2007.

The Chair introduced the members of the Commission and its legal counsel. The following Commission members were in attendance: Chair Poul Hornsleth, Vice-Chair S.W. Ellis, Matey Veissi, Nancy B. Hogan and Denver Stutler. 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; Elizabeth A. Hickman, Deputy Director; James P. Harwood, Chief Attorney; Joseph Solla, Shiv Persaud, Sorin Ardelean, Chris Lindamood and Patrick Cunningham, Senior Attorneys; Kathleen Koeberich, Bureau Chief of Enforcement; Fred Seli, OPS Unlicensed Activity Supervisor; David Guerdan, Investigator Supervisor; JoEllen Peacock, Education Coordinator; Lori Crawford, Regulatory Supervisor/Consultant; Jocelyn Pomales and Zack Hayhurst, Regulatory Specialists II; American Court Reporting (407.896.1813) provided court reporter services.

**Approval of the Minutes**

The Commission unanimously approved the Minutes of the March 20 and 21, 2007, General Meeting and Workshop, as written.

**Unlicensed Activity Report**

Bureau Chief of Enforcement, Kathleen Koeberich and OPS Unlicensed Activity Supervisor Fred Seli presented the monthly report regarding unlicensed activity and the Enforcement Report. Ms. Koeberich reported that Brian Piper met with Frederic Kerstein, from the Miami State Attorney's Office, and that the meeting went very well. Ms. Koeberich and Mr. Seli addressed questions from the Commission.

**Mutual Recognition Agreements**

Director O'Bryant reported that he has been reviewing the mutual recognition agreements and as some agreements are over ten years old, suggested that the agreements older than five years be renewed. Director O'Bryant further suggested that as the laws and rules change frequently, the new agreements should provide for an expiration date of five years from the effective date. Commissioner Hogan moved to authorize the Division to contact

the states and update the agreements. Commissioner Stutler seconded the motion. Director O'Bryant addressed questions from the Commission. The motion carried four to one.

### **Ratification**

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

### **Resolution**

Commissioner Hogan proposed that the Commission send a message to the President of the Senate, Speaker of the House and Governor Charlie Crist, in response to the revised mortgage fraud bill which decreased the penalty for mortgage fraud to a third degree felony. Commissioner Hogan moved that the Commission send a resolution to the Legislature which states that mortgage fraud is a very serious problem affecting consumers and the economy in the State of Florida to urge the Legislature to raise the penalty to a second degree felony. Vice-Chair Ellis seconded the motion. The motion carried unanimously. The Chair directed Director O'Bryant to draft a resolution for Chair approval.

### **Escrow Disbursement Orders**

Senior Attorney Solla presented 44 Escrow Disbursement Orders (EDO) and 2 Orders for Commission consideration. Mr. Solla reported that two disputes have been resolved. Upon recommendation of the Legal Section, the Commission issued 42 Escrow Disbursement Orders and 2 Orders. The Commission's decisions on these matters are attached to the official minutes maintained at the Division of Real Estate headquarters.

### **Legal Docket**

At approximately 9:00 a.m., the Commission addressed the Legal Agenda, consisting of 40 docket items. The Commission considered 31 docket items. The Commission approved the continuance or withdrawal of 9 docket items. The Commission's decisions on these matters are attached to the official minutes maintained at the Division of Real Estate headquarters.

### **FREC Business continued**

#### **ARELLO Meeting**

Chairman Hornsleth requested that he and Commissioner Veissi attend ARELLO in New York. Chairman Hornsleth stated that Vice-Chair Ellis inquired for future meetings why the entire Commission is not authorized to attend. Director O'Bryant stated that the Division's budget included attendance for two Commissioners and 100% participation by the Florida Real Estate Commission would require inclusion in the Division's Legislative Spending Plan.

## **Consent Agenda**

The Commission considered 28 applicants from the Summary of Applicants Consent Agenda, requiring 6 applicants from the Consent Agenda to appear at a future meeting. The Commission's decisions on these matters are attached to the official minutes maintained at the Division of Real Estate headquarters.

## **Director's Comments**

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

- Legislative Budget Issues – The House Budget did not include any additional full-time equivalent positions (FTE) and the Senate Budget included all FTE positions. Director O'Bryant hopes that the State Budget Conference will conclude favorably and result in an additional five FTE positions. The Florida Association of Realtors (FAR) helped us out tremendously in making this one of their legislative priorities during the Great American Realtor Day.
- Great American Realtor Day – Director O'Bryant commented that during Great American Realtor Day in Tallahassee the Division set up a booth with computers and he and staff members were present to assist licensees with accessing their license information online. Director O'Bryant reported that he had the opportunity to talk with many licensees as they were going around lobbying throughout the legislature and hopes that we will have positive results. It was a great effort to be able to partner with FAR and we thank FAR for the invitation to be part of that effort. We will continue to build those collaborative efforts with the FAR because this benefits all of us.

Commissioner Hogan inquired, for clarification, whether the Commissioners may participate in the Legislative Days because of the lobbying that occurs and requested whether a list could be provided as to what the Commissioners may attend during the legislative session. Ms. Lannon, as FREC Counsel, responded that she was not aware that the Commissioners could not participate, other than possibly for precautionary measures. Commissioner Veissi stated that she was advised by former FREC Counsel she could not participate. Commissioner Hogan moved that FREC Counsel together with the Division provide in a welcoming package for new FREC members, an outline of what the members can and can not do during Legislative Days.

- Department of Financial Services – Upon request by the Commission the Division is working on scheduling an appearance by the Director of the Department of Financial Services at the June FREC meeting to address the Commission.
- March Renewals – Director O'Bryant reported that the March renewal which consisted of 95,000 plus licenses concluded with little or no happenstance. Director O'Bryant further reported that he sent some of the Division's Tier-N staff to Tallahassee to work in the Call Center during the last four days of the renewal cycle to provide their expertise and assistance to the Call Center agents and to the licensees. Director O'Bryant stated that the Division staff did a great job of answering many of the questions.

- Instructor Seminars – Director O’Bryant reminded the Commissioners that the 2007 Instructor Seminars are coming up. He stated that the Division scheduled five seminars which will be held in Palm Beach, Bradenton, Lake Mary/Sanford (two) and Tallahassee and the information is available online. Director O’Bryant further stated the seminars will include three break-out sessions covering various real estate related topics; one in the morning and two in the afternoon.
- Legislative Session – The Department bills have moved out of or are in the process of moving out of Committee to the floor. The bills basically clarify procedural issues and include some wording changes in Statutes relating to both the Florida Real Estate Commission and the Florida Real Estate Appraisal Board.
- Governor’s Initiatives – The Division is continuing to move forward with the “Plain Language” initiative and moving forward with bringing Government to the people and Director O’Bryant is finalizing details for the May FREC meeting which is scheduled to be held in Gulfport at the Stetson University College of Law.
- Investigative Offices – Director O’Bryant reported he will be visiting all the DRE Investigative offices throughout the state and that his goal is to visit all the offices once per quarter. He further reported that the West Palm investigative office has moved into new facilities. The Miami investigative office is in the process of relocating which will allow the Division to establish the prototype which all investigative offices throughout the State will implement in the future. Commissioner Hogan inquired whether the investigators will have access to the Multiple Listing Service. Director O’Bryant replied that the Division is working on this issue as well.

The Commission thanked Director O’Bryant for his report.

The Chair adjourned the meeting at approximately 3:30 p.m.

### **April 18, 2007**

Chair Poul Hornsleth reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., at Orlando, on this 18<sup>th</sup> day of April, 2007. A moment of silence was held in memory of the faculty members and students of Virginia Tech.

The following Commission members were in attendance: Chair Poul Hornsleth, Vice-Chair S. W. Ellis, Matey Veissi, Nancy B. Hogan and Denver Stutler. 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; Elizabeth A. Hickman, Deputy Director; James P. Harwood, Chief Attorney; Kathleen Koeberich, Bureau Chief of Enforcement; David Guerdan, Investigator Supervisor; JoEllen Peacock, Education Coordinator; Donna Salters, Regulatory Supervisor/Consultant; Jeannie Adkinson, Regulatory Specialist III; Janis Dodd and Zack Hayhurst, Regulatory Specialist II; Vickie Whatley, Investigative Specialist II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporters (407.896.1813) provided court reporter services.

### **Summary of Applicants**

At approximately 8:30 a.m. Jeannie Adkinson, Regulatory Specialist III, presented the 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 one comment from Miguel Sevilla thanking the Commission for giving him the opportunity to keep his license.

### **Chair's Remarks**

Chair Hornsleth stated he was asked to carry a message regarding property tax reform. The Chair inquired whether it was proper for him to make a motion along the same lines to urge the Legislature to work on property tax reform, specifically on non-homesteaded property. FREC Counsel Lannon stated that property tax is more of a general public policy which does not affect Commission business. Chair Hornsleth responded that he hopes a message, pursuant to comments he received from several licensees, could be forwarded to emphasize how injurious increases in property taxes have become to the economy of Florida and real estate profession.

Chair Hornsleth thanked Ms. Lannon for her appearance and stated that she has been very helpful and a strong asset.

### **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 May 15 and 16, 2007, at Stetson University College of Law, "Great Hall", 1401 61<sup>st</sup> Street South, Gulfport, Florida 33707.

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Poul Hornsleth, Chair  
Florida Real Estate Commission

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

Respectfully submitted,

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