

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
July 17 and 18, 2007
General Meeting
(as amended)**

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 17th day of July, 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, Nancy B. Hogan and Matey Veissi. 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; Elizabeth A. Hickman, Deputy Director; James P. Harwood, Chief Attorney; Kathleen Koeberich, Bureau Chief of Enforcement; Joseph Solla, Shiv Persaud, Patrick Cunningham, Bob Minarcin, and Frank Roche, Senior Attorneys; Carol Labonte, Investigator II; JoEllen Peacock, Education Coordinator; Zack Hayhurst, Regulatory Specialist II, Jeannie Adkinson, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting (407.896.1813) provided court reporter services.

Approval of the Minutes

The Commission unanimously approved the Minutes of the June 19 and 20, 2007, General Meeting and Workshop, 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 additional questions from the Commission.

Mutual Recognition Agreements

Director O'Bryant stated that the Commission gave direction to rewrite the mutual recognition agreements Florida has with all states, excluding Connecticut and Pennsylvania, which were recently finalized. Director O'Bryant reported that Alabama and Arkansas have submitted Mutual Recognition agreements, which have been approved and executed by the respective Commissions, and requests that the FREC approve the agreements. Commissioner Hogan moved to approve the Mutual Recognition Agreements for Alabama and Arkansas. Vice-Chair Ellis seconded the motion. The motion carried unanimously.

Director O'Bryant reported that the Nebraska Real Estate Commission submitted a proposal with changes for the Florida Real Estate Commission's consideration. Commissioner Veissi moved to approve the proposed Mutual Recognition Agreement with Nebraska as presented. Commissioner Hogan seconded the motion. The motion carried unanimously. Director O'Bryant stated that the Division would communicate to Nebraska that the Florida Real Estate Commission has no objection to the proposed changes and that they may move forward toward completion.

Rule Workshop – 61J2-14.008 - Definitions

Director O'Bryant presented proposed language for the Commission's review and discussion. The Commission requested that the reference to "fifteen days" be changed to reflect "ten business days" and "Seller's licensee" to "Seller's broker". The Commission received comments from the members of the audience. After much discussion, Deputy Director Hickman suggested that perhaps the Commission redefine "deposit". Director O'Bryant stated that the Division will submit the proper notice for a workshop and bring this rule back to the Commission for further discussion at the general meeting scheduled for August 14, 2007.

Course Denial

Director O'Bryant presented for the Commission's consideration, the continuing education course titled "The History of Home Construction". Director O'Bryant suggested the Commission deny this course for continuing education credits as the course appears to be designed for "self enhancement" and not related to the responsibilities of a real estate professional. Commissioner Hogan moved to deny the education course. Commissioner Veissi seconded the motion. The motion carried unanimously.

Ratification

Director O'Bryant requested the Commission ratify reinstatement of the real estate licenses of Clyde R. Armstrong, Anthony Blaskis, Brenda Fioretti, Medardo Gutierrez and Thomas B. Musgrave, who have met all requirements for reinstatement. The Commission ratified the actions unanimously.

Escrow Disbursement Orders

Senior Attorney Solla presented 64 Escrow Disbursement Orders (EDO) and 2 Orders for Commission consideration. Mr. Solla reported that item number 54 has been settled. Upon recommendation of the Legal Section, the Commission issued 63 Escrow Disbursement Orders and 6 Orders.

Legal Docket

At approximately 10:15 a.m., the Commission addressed the Legal Agenda, consisting of 51 docket items. The Commission considered 45 docket items and approved the continuance or withdrawal of 6 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 26 applicants from the Consent Agenda and required 7 applicants 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.

Chair's Remarks

Chair Hornsleth commented that he appreciates all the Commissioners for their efforts in preparing for the meetings and that he has a great deal of respect for each and every Commissioner. Chair Hornsleth wanted to especially thank Commissioner Hogan for all the help she has provided to him.

Director's Comments

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

- Pre-licensure Syllabi Update Project – The Department will not be outsourcing this project and has directed the Bureau of Education and Testing (BET) to review and update the Pre-Licensure Syllabus for brokers and sales associates. BET is proceeding with this project as outlined and is moving forward at an acceptable pace.
- Instructor Seminars – DRE will be conducting the last of the scheduled seminars next week. Vice-Chair Ellis complimented Director O'Bryant for coming to Tallahassee and stated that his performance was excellent. Commissioner Hogan stated she has heard very favorable comments from many licensees.
- Upcoming FREC Meetings - The August meeting is scheduled for Orlando and the September meeting is scheduled for Marco Island. Additionally, the October FREAB is scheduled for Ft. Myers.
- DBPR Employee Service Acknowledgment Tour – He will be traveling around the state to personally thank each DRE staff member who has given 5 or more years of service.
- FREC Appointments - Governor Crist will be appointing new Commission members. Director O'Bryant expressed appreciation to the Commissioners for their service and stated it has been a privilege to have served with each and every Commissioner. The Commission will take on a new face and it is his hope the Commission will continue to move forward and uphold the standards this Commission has established.
- Office of Financial Regulation, Division of Finance – Director O'Bryant met with the new Director of the Division of Finance, Robert Tedcastle, and felt he was successful in relaying the FREC's and FREAB's concerns relating to mortgage fraud. They were able to reach an acceptable agreement to both the Office of Financial Regulation and Division of Real Estate. The FREC and FREAB will need to appoint one individual to participate in the meeting with the Division of Real Estate and Office of Financial Regulation staff. Commissioner Hogan regarding with what she has learned in the last nine months working on the issue of mortgage fraud, we have a serious problem and for the good of the consumers of Florida the state needs to get on board and help educate the consumers. Commissioner Hogan stated that the counties are starting to see how serious

this issue has become and she hopes that Office of Financial Regulation gets on board as well. Director O'Bryant asked whether Commissioner Hogan would also participate at the meeting when a date has been set in addition to the Commission member the Chair appoints to attend the meeting. Chair Hornsleth concurred and stated that he is looking forward to serving, as Commission member, on this committee with Commissioner Hogan.

The Commission thanked Director O'Bryant for his report.

The Chair adjourned the meeting at approximately 3:15 p.m.

July 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 18th day of July, 2007.

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

Director's Comments

Director O'Bryant reported that yesterday, Governor Crist announced the following appointments to the Florida Real Estate Commission: Ralph McCoig, Industry Member; Attorney Michael Guju and Attorney John Ruffier, Consumer Members.

Summary of Applicants

Ms. Jeannie Adkinson, Regulatory Specialist III, presented 31 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.

Chair Remarks

Chair Hornsleth personally thanked Commissioner Hogan for her service to the Commission and stated that it has been truly enjoyable serving with her. Chair Hornsleth stated that Commissioner Hogan has had a very positive influence on the Commission.

Commissioner Veissi commented that Commissioner Hogan has done an outstanding job and she will be sorely missed. Vice-Chair Ellis remarked that Ms. Hogan has been an inspiration and appreciates her assistance.

Director O'Bryant thanked Commissioner Hogan for her service to the State of Florida. Director O'Bryant stated that it has been a very beneficial time to see her in action during his tenure and appreciates her passion for this profession.

Commissioner Hogan thanked the Department, fellow Commissioners and the people of Florida stating it has been an honor to serve on the Commission and that she feels that she is leaving the Division in the capable hands of Director O'Bryant. Commissioner Hogan expressed that Director O'Bryant and Deputy Director Hickman have provided the best service in the five years she has served on the Commission. Additionally, she expressed that even though she has been in this industry since 1978 she feels that this opportunity has afforded her another level of understanding of the law and its requirements. Commissioner Hogan provided words of praise and thanks to the entire Division staff for their service and assistance. Last, Commissioner Hogan stated that she will to continue pursue higher penalties for mortgage fraud as it greatly affects consumers and our banking system.

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 August 14 and 15, 2007, at Orlando, Florida 32801.

Poul Hornsleth, 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