

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
August 14 and 15, 2007
General Meeting and Workshop**

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 14th day of August, 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, Ralph McCoig, Matey Veissi, 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; 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; 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.

Director O'Bryant welcomed the three newly appointed Commissioners and stated it was a pleasure to meet with them.

Approval of the Minutes

The Commission unanimously approved the Minutes of the July 17 and 18, 2007, General Meeting and Workshop, as amended.

Unlicensed Activity Report

Bureau Chief of Enforcement, Kathleen Koeberich, presented the Unlicensed Activity Report and the Enforcement Report.

Commissioner Veissi inquired what statute provides for the \$5.00 fee for unlicensed activity to which Director O'Bryant responded Chapter 455. Director O'Bryant reported that a meeting was held between the Secretary, himself and two representatives from the Florida Association of Realtors to discuss unlicensed activity and ways to further enhance the unlicensed activity program through collaborative efforts between the Department and FAR. Director O'Bryant and Ms. Koeberich addressed questions from the Commission.

Mutual Recognition Agreements

Director O'Bryant presented the Mutual Recognition agreement with Colorado, which has been approved and executed by the Colorado Real Estate Commission, and requested that the FREC approve the agreement. Commissioner Veissi moved to approve the Mutual Recognition Agreement for Colorado. Commissioner Ruffier seconded the motion. The motion carried unanimously.

Rule Workshop – 61J2-14.008 - Definitions

Director O'Bryant presented the revised proposed language for the Commission's review and discussion. Vice-Chair Ellis inquired whether the language could include an email address. Chair Hornsleth requested that the phone number be included and the email address optional. Director O'Bryant stated that the information in the proposed rule reflects the information the FAR contract captures. Mr. Randy Schwartz, General Counsel, Florida Association of Realtors, explained the new FAR and FARBAR contracts were written in anticipation of this rule amendment, and that the FAR and the FARBAR contracts include the name, address and phone number. Mr. Schwartz stated that he supports the Department's position regarding the changes. Commissioner Veissi moved to go forward with the proposed language for 61J2-14.008(2)(b) as follows:

~~61J2-14.008(2)(b) When escrow funds are placed with a title company or an attorney, the licensee shall indicate on the sales contract the name and address of said entity. The licensee shall obtain and retain written verification of said deposit upon delivery of the funds to the title company or attorney.~~ When a deposit is placed or to be placed with a title company or an attorney, the licensee who prepared or presented the sales contract ("Licensee"), shall indicate on that contract the name, address, and telephone number of such title company or attorney. Within three (3) business days after each deposit is due under the sales contract, the Licensee's broker shall make written request to the title company or attorney to provide written verification of receipt of the deposit. Within ten (10) business days of the date the Licensee's broker made the written request for verification of the deposit, the Licensee's broker shall provide Seller's broker with either a copy of the written verification, or, if no verification is received by Licensee's broker, written notice that Licensee's broker did not receive verification of the deposit. If Seller is not represented by a broker, then Licensee's broker shall notify the Seller directly in the same manner indicated herein.

Commissioner McCoig seconded the motion. The motion carried unanimously. Director O'Bryant stated that the Division will move forward with the proposed rule.

Course Denial

Director O'Bryant presented for the Commission's consideration, the continuing education courses titled "The Whole Enchilada" and "The Art of Zen and the Internet" which were submitted for renewal as both a 3-hour and 4-hour course. Director O'Bryant requested to withdraw these courses for further review. Commissioner Veissi moved to approve Director O'Bryant's request to withdraw the proposed courses. Vice-Chair Ellis seconded the motion. The motion carried unanimously.

Ratification

Director O'Bryant requested the Commission ratify reinstatement of the real estate licenses of Darlene Hamm and Harold Pridgen, who have met all requirements for reinstatement. The Commission ratified the actions unanimously.

Director's Comments

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

- License Renewals – September is a renewal period for real estate and instructor licenses. In preparing for the renewal of instructor licenses the Division has successfully completed all of its Instructor Continuing Education Seminars. The Division received many very positive comments for its efforts.
- DBPR Employee Service Acknowledgment Tour – He expressed it was his pleasure to travel around the state to recognize DRE staff members who have given 5 or more years of service. He reported that a total of 31 staff members have served 5 or more years with the State and that those 31 staff members represent 400 plus years of service to the State of Florida.
- Office of Financial Regulation, Division of Finance – Director O'Bryant will try to set a meeting in September with the Office of Financial Regulation to discuss the FREC's and FREAB's concerns relating to mortgage fraud. Florida Real Estate Commission Chairman Hornsleth, Florida Real Estate Appraisal Board Chairman Gregoire, former Commissioner Nancy Hogan and Director O'Bryant will attend. A specific date will be provided in the near future.
- FAR Annual Conference – The Division will have a booth at the August conference. Additionally, the Division plans to have a group of licensees come together to form a focus group to meet and discuss the Division's strengths and weaknesses from the licensee's perspective, to use as a tool for improvements.

The Commission thanked Director O'Bryant for his report.

Escrow Disbursement Orders

Senior Attorney Solla presented 62 Escrow Disbursement Orders (EDO) and 2 Orders for Commission consideration. Mr. Solla reported that items number 2 and 27 have settled. Upon recommendation of the Legal Section, the Commission issued 60 Escrow Disbursement Orders and 2 Orders.

Legal Docket

The Commission addressed the Legal Agenda, consisting of 40 docket items. The Commission considered 29 docket items and approved the continuance or withdrawal of 11 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 Chair adjourned the meeting at approximately 4:30 p.m.

August 15, 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 15th day of August, 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, Ralph McCoig, Matey Veissi, 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; Elizabeth A. Hickman, Deputy Director; James P. Harwood, Chief Attorney; Kathleen Koeberich, Bureau Chief of Enforcement; 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.

Executive Director's Comments

Director O'Bryant reported that the Hilton Marco Island Beach Resort will not be available due to renovations and the Division is looking for a new venue in South West Florida.

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 stated it has been a pleasure to welcome three new Commissioners onto the Commission and has enjoyed meeting each new member.

Public Comments

Commission received general comments from an audience member relating to cases the Commission heard on the previous day.

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 September 18 and 19, 2007, in South West Florida.

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

