

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
September 18 and 19, 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 Ft. Myers, Florida, on this 18th day of September, 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; James P. Harwood, Chief Attorney; Kathleen Koeberich, Bureau Chief of Enforcement; Shiv Persaud and Patrick Cunningham, Senior Attorneys; Carol Labonte, Investigator II; Alma Robert, OMC II, Donna Salters, OMC II; Lori Crawford, Regulatory Supervisor/Consultant. Martina Reporting Services (239.334.6545) provided court reporter services.

Approval of the Minutes

The Commission unanimously approved the Minutes of the August 14 and 15, 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. Division staff addressed questions from the Commission.

Course Denial

Director O'Bryant presented for the Commission's consideration, 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 recommended the Commission deny these courses for continuing education credits as the course appears to be designed for "self enrichment" and not related to the responsibilities of a real estate professional. Commissioner Veissi moved to deny the renewal of continuing education courses. Commissioner McCoig seconded the motion. The motion carried unanimously.

Ratification

Director O'Bryant requested the Commission ratify reinstatement of the real estate licenses of Robert Joseph Hyberger, Suzanne Joan Kaiser and Scott Oglesby, who have met all requirements for reinstatement. The Commission ratified the actions unanimously.

Rule Workshop – 61J2-14.008 - Definitions

Director O'Bryant presented the final draft of the proposed language for the Commission's approval. Commissioner Veissi moved to adopt 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 Ruffier seconded the motion. The motion carried unanimously. Director O'Bryant stated that the Division will move forward with the proposed rule.

Escrow Disbursement Orders

Chief Attorney Harwood presented 73 Escrow Disbursement Orders (EDO) and 4 Orders for Commission consideration. Chair Hornsleth inquired about item #31. Mr. Harwood withdrew the order so that Mr. Solla may address the Chair's question at the next FREC meeting. Upon recommendation of the Legal Section, the Commission issued 72 Escrow Disbursement Orders and 4 Orders.

Recovery Fund Claims

RFC Case No. 2007043783 – George and Milagro Flores v. Eyda S. Hernandez. Mr. Solla stated that the claimants did not qualify to receive payment from the recovery fund and recommended the Commission deny the request. Commissioner Guju moved to deny payment from the recovery fund. Commissioner Veissi seconded the motion. The motion carried unanimously.

RFC Case No. 2003094535 – Thomas O. and Ruby Manley v. Stanley Marion Porter. Mr. Solla stated that the claimants did not qualify to receive payment from the recovery fund and recommended the Commission deny the request. Vice-Chair Ellis moved to deny payment

from the recovery fund. Commissioner Veissi seconded the motion. The motion carried unanimously.

Legal Docket

The Commission addressed the Legal Agenda, consisting of 47 docket items. The Commission considered 32 docket items and approved the continuance or withdrawal of 15 docket items. The Commission's decisions on these matters are attached to the official minutes maintained at the Division of Real Estate headquarters.

Financial Report

Director O'Bryant presented the Yearly Financial Report for the twelve months ending June 30, 2007. Director O'Bryant addressed questions from the Commission, including but not limited to: fee holiday, FREC newsletters, legislative spending authority, and revenue deficiencies, expenditures and investment earnings within the various accounts. Director O'Bryant encouraged the Commissioners to send him an email should they have any additional questions regarding the Financial Report.

Chairman's Remarks

Chair Hornsleth stated that Commissioner Veissi, SW. Ellis and he attended the ARELLO Conference held in New York. Chair Hornsleth reported that the conference was very worthwhile and informative. Chair Hornsleth further reported that the discussions relating to fair housing, which he participated in, were very compelling. He stated that during the discussion he proposed that the National Fair Housing Alliance conduct a survey of how the Commissions treat fair housing throughout the states. Chair Hornsleth hopes that effort for fair housing moves forward and was delighted to have input.

Chair Hornsleth stated that he hopes that in the future more Commissioners and Division staff will be able to attend as he feels it would benefit both the Department and the licensees.

Executive Director's Comments

Director O'Bryant stated it was a privilege to be here in SW Florida and provided a brief update regarding the following topics:

- Rules Review – A rules review workshop will be scheduled for the November FREC meeting. Division staff will meet prior to the meeting to review rules for possible changes, and the Division will submit its recommendations to the Commission.
- Renewal Period – The Division is in a renewal period and to be proactive he will be sending three DRE staff to Tallahassee to assist as he has found that having Division subject matter experts to work in the Call Center enhances the renewal process for both the call agents and licensees.
- Office of Financial Regulation, Division of Finance – A meeting is scheduled for October 4, 2007 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.

- Newsletters – The Division will move forward with publishing a Newsletter and needs articles from the Commissioners.
- FAR Annual Conference – The Division set up a booth at the FAR Conference and held a focus group session with licensees to discuss the Division's strengths and weaknesses from the licensee's perspective receiving great information. He is in the process of creating a report to submit to the Secretary and will provide a copy to the FREC upon finalization.
- Attest Statement – This Division required an Attest Statement to complete the application process, which proved to be a very cumbersome process. In working with OGC, the Division has determined that attest statements are not necessary and have omitted them.
- DBPR Website – Recommended that everyone visit the newly revised website, which has been broken down into simple sections and is very consumer friendly.
- Legislative Budget Request – The Division has asked for additional positions and hopes the request will move forward.
- Speaking Engagement in Fort Myers – Attended an event with Commissioner Veissi and had a wonderful opportunity to meet with licensees and address their questions and concerns.

The Commission thanked Director O'Bryant for his report.

Consent Agenda

The Commission considered 22 applicants from the Consent Agenda and required 5 applicants to appear at a future meeting.

The Chair adjourned the meeting at approximately 4:40 p.m.

September 19, 2007

Chair Poul Hornsleth reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., at Ft. Myers, Florida, on this 19th day of September, 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; James P. Harwood, Chief Attorney; Kathleen Koeberich, Bureau Chief of Enforcement; Carol Labonte, Rick Kerans, Investigators II; Alma Robert, OMC II,

Donna Salters, OMC II; Lori Crawford, Regulatory Supervisor/Consultant. Martina Reporting Services (239.334.6545) provided court reporter services.

Summary of Applicants

Ms. Donna Salters, OMC II, 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.

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 October 16 and 17, 2007, in Orlando, 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

