

Charles W. Drago, Secretary

Charlie Crist, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
September 16 and 17, 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 16th day of September, 2008.

The following Commission members were in attendance: Chair S.W. Ellis, Vice-Chair Ralph McCoig, Richard DeNapoli, Roger P. Enzor, Poul Hornsleth, Michael Guju and John Ruffier. Tom Barnhart, Senior 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., Director and Executive Director; Juana C. Watkins, Deputy Director; James P. Harwood, Chief Attorney; Robert Minarcin, Patrick Cunningham, Jason Holtz, Joseph Solla and Allison C. McDonald, Senior Attorneys; JoEllen Peacock, Education Coordinator; Zack Hayhurst, Regulatory Specialist III; 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 July 15 and 16, 2008, General Meeting, as written.

Rules Workshop

- ◆ 61J2-24.003 – Notification of Noncompliance

The Commission revisited the following rule to discuss possibly incorporating language to address violations of Rule 14.008(2)(b), F.A.C. The language presented was approved by the Commission in July when changes were made as a result of statute changes made by the legislature. The Commission received comments from the public. Vice-Chair McCoig moved that for the initial offense of Rule 14.008(2)(b), violators will receive a notice of non-compliance without citation for a period of six months after the effective date of this rule. Commissioner Hornsleth seconded the motion. The motion carried unanimously.

- ◆ 61J2-24.002 – Citation Authority

Director O'Bryant requested that the Commission review Rule 61J2-24.002(2)(mm) and (nn), F.A.C. to modify the proposed language to address a second offense. Commissioner

DeNapoli moved to review proposed language in 61J2-24.002(2) (mm) and (nn), F.A.C. in October. Commissioner Ruffier seconded the motion. The motion carried unanimously.

Unlicensed Activity Report

Executive Director O'Bryant presented the Unlicensed Activity Report and the Enforcement Report. Mr. O'Bryant. addressed questions from the Commission.

Ratification of Suspended License

Director O'Bryant requested the Commission ratify reinstatement of the real estate licenses of Cosimo Cosimano, Jamie O. Gomez, Jr., Martha Scarlett Paret, Karen Lynn Phillips, Safeek A. Sadeek who have met all requirements for reinstatement. The Commission ratified the actions unanimously

Legal Docket

The Commission addressed the Legal Agenda, consisting of 33 docket items. The Commission considered 21 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 33 applicants from the Consent Agenda and required 19 applicants to appear at a future meeting.

Public Comments

Commissioners received comments from the audience.

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

September 17, 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 17th day of September, 2008.

The following Commission members were in attendance: Chair S.W. Ellis, Vice-Chair Ralph McCoig, Richard DeNapoli, Roger P. Enzor, Michael Guju, Poul Hornsleth and John Ruffier. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Thomas W. O'Bryant, Jr., Director and Executive Director; Juana C. Watkins, Deputy Director; James P. Harwood, Chief Attorney; 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.

Escrow Disbursement Orders

Senior Attorney Joseph Solla presented 63 Escrow Disbursement Orders and 6 Orders for Commission consideration. Mr. Solla withdrew item number 45. Upon recommendation of the Legal Section, the Commission issued 62 Escrow Disbursement Orders and 6 Orders.

Recovery Fund Claim

RFC Case No. 2007055817 – Tim Mingrone v. Julia Mills. Mr. Solla stated that this case is continued until November.

RFC Case No. 2007055817 – Louis W. Dorcely v. Thrity Malhotra. 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 Hornsleth seconded the motion. The motion carried unanimously.

RFC Case No. 2008025198 – Amy C. Smyth v. Eric W. Gustafson. Mr. Solla presented this matter for the Commission's review and consideration. Mr. Solla stated that the claimant qualified to receive payment from the recovery fund and recommended the Commission approve the request. Commissioner Hornsleth moved to approve payment from the recovery fund. Commissioner Guju seconded the motion. The motion carried unanimously.

RFC Case No. 2008035392 – Max Belkin v. Andres Rivera. 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 Ruffier seconded the motion. The motion carried unanimously.

Summary of Applicants

Denise Johnson, OMC II, presented 53 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:

- **Configuration of Costs** – Per the Commission's inquiry Ms. Watkins reported that costs are calculated by quarter hour increments at \$33.00 per hour.
- **FREC Newsletter** – Ms. Watkins requested that the Commissioners submit an article for the FREC newsletter within the next week or two.

Public Comments

Commissioners received comments from the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 2:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for October 14 and 15, 2008, in Ft. Lauderdale, 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