

Holly Benson
Secretary

Charlie Crist
Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
October 16 and 17, 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 16th day of October, 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, Richard L. DeNapoli, 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.

Chair Hornsleth welcomed the newly appointed Commissioner Richard L. DeNapoli.

Chair Hornsleth presented a Resolution of the Florida Real Estate Commission to former Commissioner Nancy Hogan in recognition and appreciation of Ms. Hogan's service as a member of the Florida Real Estate Commission beginning April 4, 2003 through July 18, 2007.

Chair Hornsleth presented a Resolution of the Florida Real Estate Commission to Commissioner Matey Veissi in recognition and appreciation of Commissioner Veissi's service as a member of the Florida Real Estate Commission beginning Dec. 21, 1999 through October 31, 2007.

Approval of the Minutes

The Commission unanimously approved the Minutes of the September 18 and 19, 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.

Nominations of Chair and Vice-Chair

Commissioner Veissi moved for the nomination of Vice-Chair S.W. Ellis as Chair. Commissioner Guju seconded. The motion carried unanimously.

Commissioner Veissi moved for the nomination of Commissioner McCoig as Vice-Chair. Vice-Chair S.W. Ellis seconded. The motion carried unanimously.

2008 FREC Meeting Calendar

Commissioner Veissi moved to approve the 2008 FREC Meeting Calendar. Commissioner Guju seconded the motion. The motion carried unanimously.

Ratification

Director O'Bryant requested the Commission ratify reinstatement of the real estate licenses of Shirley K. Bemenderfer, Gisela Castro, Patrick Donaldson, William J. Flanagan, Burleigh Ashby Hobson, Annemarie Kronfuss, Daniel Saucer and Linda S. Sgroi, who have met all requirements for reinstatement. The Commission ratified the actions unanimously.

Escrow Disbursement Orders

Senior Attorney Solla presented 66 Escrow Disbursement Orders (EDO) and 4 Orders for Commission consideration. Mr. Solla reported that item number 62 has settled. Upon recommendation of the Legal Section, the Commission issued 65 Escrow Disbursement Orders and 4 Orders.

Recovery Fund Claim

RFC Case No. 2004046160 – Yunior Hernandez v. Magda Stark. Mr. Solla stated that the claimant 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 Guju seconded the motion. The motion carried unanimously.

DOAH Recommended Order - Applicant

Fouraker v. FREC – DOAH Case No. 07-0587

The Commission considered the Recommended Order of the Division of Administrative Hearings granting Petitioner's application for licensure as a real estate sales associate. Commissioner Veissi moved to adopt the Recommended Order. Commissioner Ruffier seconded the motion. The motion carried unanimously.

Legal Docket

The Commission addressed the Legal Agenda, consisting of 47 docket items. The Commission considered 35 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.

Director's Comments

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

- Renewal Period – The Division just completed a renewal cycle and figures reflect a 25% decrease in renewals. Real estate school renewals had the sharpest decline.
- Changes within the Division – After re-evaluating business processes a determination was made to discontinue telecommuting throughout the state. Therefore, investigators who report to Orlando Headquarters, will return to the office and the Division of Real Estate will occupy the entire 8th floor.
- Registration of Corporations – This topic has generated a number of questions relating to the effective date and when a corporation may begin operation. Statutorily, a licensee may not operate until properly registered with the Department. To ensure clarity in the matter, no corporation shall operate until it has received notification from the Department that it is registered. Increasingly, the Department is receiving corporate registrations forms that are incorrect or incomplete.
- 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. Director O'Bryant encouraged the Commissioners to also review the rules for any possible changes.
- Complaint Resolution – The Division is reviewing the complaint resolution process. Issues being evaluated include educating consumers about the complaint process through the Division website and ensuring clarity and consistency of notification to consumers through all stages of the complaint process.
- Commission Solicitation From Individuals – Several board members have been inundated with many questions by licensees and the public. Commissioners were encouraged to refer those people to the Department.
- Commend Staff – Director O'Bryant expressed accolades to the staff and reported that the end of this month will mark his one year anniversary. He acknowledged that the staff has gone through a difficult growing process and has adjusted wonderfully.
- Budget – The Department of Business and Professional Regulation has submitted the Division's budget request to the Governor's Office. The current contract for Accenture ends December 31, 2008. The Department is asking the Legislature to appropriate 2.8 million dollars back to the Department to request the establishment of 12 Full-Time Equivalent (FTE) positions within the Division of Technology to take over the contract,

which will save the approximately 2.9 million dollars for the State and will allow the Department to make changes in-house.

The Legislature recently agreed on budget reductions statewide cutting 1.1 billion dollars from the budget. The Division sailed through only giving up 15 cells phones.

The Division submitted its legislative budget requests to the Governor's Office, which include 13 additional FTE positions. Some of these FTE positions will be used to ensure compliance with federally mandated policies, to enhance revenue management and convert 7 Other Personal Service positions, who are currently without state benefits, to FTE positions with benefits.

The Commission thanked Director O'Bryant for his report.

Consent Agenda

The Commission considered 25 applicants from the Consent Agenda and required 7 applicants to appear at a future meeting.

The Chair adjourned the meeting at approximately 5:00 p.m.

October 17, 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 17th day of October, 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, Richard L. DeNapoli, 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.

Summary of Applicants

Ms. Jeannie Adkinson, Regulatory Specialist III, presented 36 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 serve as Chair of the Commission this past year and thanked Director O'Bryant for his leadership during his tenure as Chair. Chair Hornsleth further stated that he is pleased to be passing the gavel to Vice-Chair Ellis after this meeting and he is looking forward to continuing service as a member on the Commission under her leadership.

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 November 13 and 14, 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