

**Holly Benson**  
Secretary

**Charlie Crist**  
Governor

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
November 13 and 14, 2007  
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 13<sup>th</sup> day of November, 2007.

The Chair introduced the members of the Commission and its legal counsel. The following Commission members were in attendance: Chair S.W. Ellis, Vice-Chair Ralph McCoig, Richard L. DeNapoli, Poul Hornsleth, Michael Guju, and John Ruffier. Commissioner Veissi was excused. 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; 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 October 16 and 17, 2007, General Meeting, as written.

**Unlicensed Activity Report**

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

**Mutual Recognition Agreement**

Director O'Bryant reported that Nebraska submitted a Mutual Recognition agreement, which was approved and executed by the Nebraska Real Estate Commission, and requested that the FREC approve the agreement. Commissioner Hornsleth moved to approve the Mutual Recognition Agreement for Nebraska. Commissioner Guju seconded the motion. The motion carried unanimously.

**Biennial Rule Review Workshop**

The Commission agreed unanimously to set the review for January 2008.

**Escrow Disbursement Orders**

Senior Attorney Solla presented 98 Escrow Disbursement Orders (EDO) and 7 Orders for Commission consideration. Mr. Solla reported that item number 47 has settled. Upon recommendation of the Legal Section, the Commission issued 97 Escrow Disbursement Orders and 7 Orders.

**Recovery Fund Claim**

RFC Case No. 2005007963 – Janneequa Seignious v. Michael Feliciano. Mr. Solla stated that the claimant did not qualify to receive payment from the recovery fund and recommended the Commission deny the request. Commissioner Hornsleth moved to deny payment from the recovery fund. Vice-Chair McCoig seconded the motion. The motion carried unanimously.

**Appellee's Motion for Attorney's Fees**

DCA Case No. 05D06-929 – Bidshares, Inc., etc., (Appellant) v. Florida Real Estate Commission (Appellee). FREC Counsel Tom Barnhart presented the Appellee's Motion for Attorney's Fees including an Order from the 5<sup>th</sup> District Court of Appeal granting the Appellee's Motion as an exhibit. Mr. Barnhart requested the Commission consider the motion and approve an award of 33.4 hours at a fee of \$25.00 per hour, totaling \$8,350.00. Ms. Nancy P. Campiglia, on behalf of the Appellant, offered mitigation in opposition. Commissioner Ruffier moved to accept the Appellee's Motion for Attorney's Fees at the reasonable rate. Commissioner DeNapoli seconded the motion. Commissioner DeNapoli moved to award \$8,350.00 in attorney's fees to The Florida Real Estate Commission. Commissioner Ruffier seconded the motion. The motion carried four to two.

**DOAH Recommended Order - Applicant****Dietz v. FREC – DOAH Case No. 07-3798**

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

**Legal Docket**

The Commission addressed the Legal Agenda, consisting of 53 docket items. The Commission considered 41 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.

Chair adjourned the meeting at approximately 5:30 p.m.

**November 14, 2007**

Chair S.W. Ellis reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., at Orlando, on this 14<sup>th</sup> day of November, 2007.

The Chair introduced the members of the Commission and its legal counsel. The following Commission members were in attendance: Chair S.W. Ellis, Vice-Chair Ralph McCoig, Richard L. DeNapoli, Poul Hornsleth, Michael Guju, and John Ruffier. Commissioner Veissi was excused. 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; 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.

**Consent Agenda**

The Commission considered 34 applicants from the Consent Agenda and required 12 applicants to appear at a future meeting.

**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.

**Director's Comments**

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

- He traveled to Tallahassee to meet with individuals and also traveled to the Margate and Miami offices to take a look at the facilities which are now complete. Director O'Bryant stated that the facilities are very nice.
- He with former Commissioner Nancy Hogan and her staff to discuss any concerns and answer any questions. Additionally, while visiting the Miami area Director O'Bryant addressed the Realtor Association of Greater Miami.
- Secretary Benson recently visited Division of Real Estate. Secretary Benson was able to meet the majority of Division staff including staff members from across the state that was in Orlando for training. Director O'Bryant stated that the visit was very positive.
- He expressed appreciation toward Division staff, who graciously threw him a party in celebration of his 1-year anniversary in coming to the Division. Director O'Bryant

stated that the Division has come a long way as a team making great progress, and that the Division is on target for meeting goals and objectives for the 3-year plan. He attributes this success to the staff.

- The Department of Business and Professional Regulation has submitted the Division's budget request to the Governor's Office. The Division is requesting 13 additional staff positions in order to better serve the licensees of the state.

### **Chair Remarks**

Chair Ellis expressed her appreciation to her fellow members for nominating her to the Chair position. Chair Ellis stated she has some ideas in mind for training the new commissioners. First, Chair Ellis would suggest to the Department, if at all possible, that she and the Vice-Chair attend the Florida Association of Realtors (FAR) Mid-Winter Business Meeting scheduled for January and that all the Commissioners attend the FAR Annual Convention scheduled for September, as it is very informative.

The Commission received comments from the public to which Director O'Bryant responded.

### **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 December 11 and 12, 2007, in Orlando, Florida.

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S.W. Ellis, Chair  
Florida Real Estate Commission

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Thomas W. O'Bryant, Jr.,  
Executive Director  
Florida Real Estate Commission

Respectfully submitted,

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Lori L. Crawford  
Deputy Clerk, FREC  
Regulatory Supervisor/Consultant