

**Charles W. Drago**, Secretary

**Charlie Crist**, Governor

**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
November 18 and 19, 2008  
General Meeting**

Chair Ralph McCoig called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 18<sup>th</sup> day of November, 2008.

The following Commission members were in attendance: Chair Ralph McCoig, Vice-Chair Roger Enzor, Richard DeNapoli, S.W. Ellis, 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.

Department and Division staff present at the meeting: Maureen Olson, Deputy Secretary; April Skilling, Deputy General Counsel; Thomas O'Bryant, Jr., Director and Executive Director; Juana C. Watkins, Deputy Director; James P. Harwood, Chief Attorney; Patrick Cunningham, Allison McDonald, Robert Minarcin and Joseph Solla, Senior Attorneys; Denise Johnson, OMC II; Zack Hayhurst, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporters, Inc. (407) - provided court reporter services.

**Approval of the Minutes**

The Commission unanimously approved the Minutes of the October 14 and 15, 2008, General Meeting, as amended.

**Message from Deputy Secretary Olson**

Deputy Secretary Olson provided a summary of her credentials and provided an overview of the Department's activities, goals and accomplishments. Deputy Secretary Olson addressed questions and comments from the Commissioners. Deputy Secretary Olson reported that she, together with her team, is committed to improving customer service which includes increasing staff.

**Emergency Suspension Order/Emergency Restriction Order**

Deputy General Counsel April Skilling provided an overview and summary of the Department's policy and procedure for emergency suspension and emergency restriction orders. Ms. Skilling addressed questions from the Commissioners.

## **Review and Consideration of the Real Estate Continuing Education Courses**

Director O'Bryant presented the following continuing education courses for the Commissions' consideration:

1. Customer Satisfaction...The Bottom Line
2. Customer Satisfaction...Managing Challenging Clients
3. Feng Shui for Today's Real Estate Market
4. Sales, Marketing and Technology Seminars
5. Strategies for Becoming a Top Performer in Real Estate
6. Effective Communications
7. Computers and Effective Communication
8. Expand Your Market
9. Certified Home Marketing Specialist
10. Home Office the Financial Rewards
11. Personnel Practice-Employee Relations
12. Microsoft Office Enhanced: Computer Skills for Real Estate Professionals
13. Up and Running in 30 Days
14. Growth Management Act

Commissioner Hornsleth moved to deny the continuing education courses listed above. Commissioner Ruffier seconded the motion. The motion carried unanimously.

## **Letter to State Attorney's Offices**

Commissioner DeNapoli inquired whether the letter to the State Attorney's Office was reviewed by the appropriate people. Director O'Bryant stated that the letter is under review by the Office of General Counsel. Ms. Skilling provided a brief report relating to this issue. Ms. Skilling expressed appreciation to the Commissioners for their comments. Commission thanked Ms. Skilling for addressing the Commission.

## **Course Approvals**

Commissioner DeNapoli requested to discuss the length of time it takes to approve CE courses up for renewal. Chair McCoig asked Dick Fryer, proprietor of IFREC School to provide a brief explanation of the issues. Mr. O'Bryant stated that the Division would be more than happy to work with the Department to streamline the process. Ms. Olson will look into this issue and provide a report to Director O'Bryant.

## **Ratification of Suspended License**

Director O'Bryant requested the Commission ratify reinstatement of the real estate license of Wade M. Shavell who has met all requirements for reinstatement. The Commission ratified the action 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.

### **Escrow Disbursement Orders**

Chief Attorney James Harwood presented 36 Escrow Disbursement Orders and 5 Orders for Commission consideration. Upon recommendation of the Legal Section, the Commission issued 36 Escrow Disbursement Orders and 5 Orders

### **RFC**

**DBPR Case No. 2007055817 – Tim Mingrone v. Julia Mills.** Senior Attorney Joe Solla presented the case to the Commission. Attorney Mark R. Lippman appeared on behalf of Mr. Mingrone to present mitigation to support payment. The Commission considered the facts and agreed that payment should be approved. Commissioner Ellis moved to approve payment. Commissioner Guju seconded the motion. The motion carried seven to one.

**DBPR Case No. 2008055440 – Carisia Joseph v. Andral Jacques.** Mr. Solla stated that the claimant does not qualify to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and agreed that payment should be denied. Commissioner DeNapoli moved to deny payment. Vice-Chair Enzor seconded the motion. The motion carried unanimously.

### **Legal Docket**

The Commission addressed the Legal Agenda, consisting of 24 docket items. The Commission considered 18 docket items and approved the continuance or withdrawal of 6 docket items.

### **Consent Agenda**

The Commission considered 44 applicants from the Consent Agenda and required 31 applicants to appear at a future meeting.

The Chair adjourned the meeting at approximately 3:50 p.m.

### **November 19, 2008**

Chair Ralph McCoig reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 19<sup>th</sup> day of November, 2008.

The following Commission members were in attendance: Chair Ralph McCoig, Vice-Chair Roger Enzor, Richard DeNapoli, S.W. Ellis, 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 W. O'Bryant, Jr., Director and Executive Director; Juana C. Watkins, Deputy Director; Jason Holtz and Jennifer Blakeman, Senior Attorneys; Denise Johnson OMC II; Jeannie Adkinson, Regulatory Specialist III; Zack Hayhurst, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

## **Summary of Applicants**

Denise Johnson, OMC II, presented 46 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:

- FREC Petition to Use Funds from the Education and Research Foundation for Attendance to ARELLO – Director O'Bryant received a ruling from the Office of General Counsel (OGC) in response to Commission's petition. The opinion from the OGC is that the proposal does not qualify for disbursement from the fund and provided an explanation supporting its opinion. Commissioner Ellis questioned the opinion and stated she would send a letter to the Governor's office. Commissioner DeNapoli stated that statute provides for FREC's review and selection of proposals which they believe would benefit the real estate profession. The Commission could submit a proposal for a project which it believes would carry out the purpose the Foundation. Chair McCoig requested that Commissioner Ellis develop a project outlining a proposal for the Commission's review at the next available meeting.
- Statement of Estimated Regulatory Costs (SERC) – The Department is using a new process the Legislature has outlined for providing an estimate of regulatory costs for rule amendments. The Division will submit a SERC for each rule for the Commission's review and consideration. A SERC will be drafted for Rules 61J2-24.002 and 24.003, Florida Administrative Code for the Commission's consideration at the December FREC meeting.
- Governor's Hope Council Task Force Proposal – The request from Chief Counsel Glenn Theobald of the Miami-Dade Police Department for financial assistance was forwarded to the OGC for review. The OGC had a few questions relating to the proposal which it will directly communicate to Mr. Theobald. Director O'Bryant will provide an update at the next general meeting.
- Legislative Budget Request – Director O'Bryant provided a copy of the Division's and Department's legislative agenda to the Commission. Commissioner DeNapoli what the deadline date is for submitting recommendations for next year. Director O'Bryant reported that the Secretary of the Department sends a letter yearly requesting input from the Chairs of all Boards and Commissions.
- Broadcasting of FREC General meeting – Information Technology is putting together cost factors and Director O'Bryant will report the costs to the Commission upon availability.
- Sunshine Law Presentation – Mr. Barnhart will have a presentation relating to this topic next month. Additionally, Division staff and FREC Counsel will conduct an overall Commission training in January.

**Chair's Remarks**

Chair McCoig thanked each and everyone for working with him during his first meeting as Chair. In addition to the project assigned to Commissioner Ellis the Chair requested that each of the Commissioners come up with an idea that they would like to see accomplished during the next year. Mr. O'Bryant stated he would act as a liaison to the Commissioners should they wish to share their ideas.

**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 December 16 and 17, 2008, in Orlando, Florida.

---

Ralph McCoig, 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