



**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
June 19, 2002
Meeting**

Chairman Marie Powell called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida.

The following Commission members were present: Marie Powell, Chairman; Matey H. Veissi, Vice-Chairman; Noel P. McDonell, Poul Hornsleth, and Guy Sanchez, Jr. Commissioner Tina Richardson and Carlos Valdes were absent. The Chair declared a quorum present. Daniel Villazon appeared as counsel for the Commission.

The following Division of Real Estate staff members were present: Buddy Johnson, Director; Jack Hisey, Deputy Director; Nancy Campiglia, Chief Attorney; Fred Seli, Bureau Chief of Enforcement; Judy Smith, Investigative Supervisor; Donna Ryan, Stacy Robinson Pierce, Juana Watkins, Chris DeCosta and Greg Hass, Prosecutors; Rachel Alvarez, Legal Intern; Jo Ellen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist II; and Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting Service (407/324-4290) provided court reporter services.

Commission Business

The Commission unanimously approved the Minutes of the May 15, 2002, meeting, as amended.

Director Johnson took a brief moment to announce the retirement of Fred Seli and Roberta Jones and thanked them for their years of service to the Division of Real Estate wishing them well in their new endeavors.

Next, Director Buddy Johnson reported that the Department's Web page has been remodeled and is looking great and that the Division newsletter is online. He further stated that Department Secretary Kim Binkley-Seyer held a budget meeting with all the Board Chairs in Tampa on May 20th to review the quarterly financial budget process and management.

Commissioner Veissi, who represented the Commission at the meeting, reported that it was very interesting and informative regarding budget and computerization issues. She added that the Department has revised the report making it user-friendlier. Commissioner Veissi further added that the Department plans to refine the application forms making them more user-friendly, adding that this will not commence until Department has completed the reengineering project.

Commissioner Veissi also reported that the Department plans to have a computer station set up at the FAR Annual Convention in August to demonstrate how to renew your license, change a form, or complete other processes on-line.

Director Johnson introduced Joe McClary, the Director of International Distance Education Certification Center (IDECC) for ARELLO. Mr. McClary's presentation included an outline overview regarding IDECC and its processes to help ensure quality and integrity in the distance education field and the benefits of requiring IDECC certification prior to course approval. Following his presentation, Mr. McClary responded to questions from the members of the Commission and the audience.

Director Buddy Johnson introduced Chris Workman and George Ayrish from Education and Testing. Mr. Workman addressed comments and questions after the presentation of the IDECC program.

Buddy Johnson requested, and the Commission unanimously ratified, the reinstatement of licensure status for: Rita A. Hallenbeck, Bolley L. Johnson, Dacia G. Nikolas, and Boudy Shalam who had met all the requirement of reinstatement.

Legal Matters

Chief Attorney Nancy Campiglia requested the Commission's permission to take up the recovery fund cases.

Ms. Campiglia proceeded with RFC Claim # 2002005064, Rodriquez v. Lopez. Commissioner McDonell moved to deny the claim. Commissioner Veissi seconded it; it carried unanimously.

Upon recommendation of the Legal Section, the Commission unanimously issued 267 Escrow Disbursement Orders (EDO) withdrawing two and 24 Orders of denial. A list of the Orders is attached to the official minutes.

At approximately 10:00 a.m., the Commission took up the Legal Agenda, consisting of 46 cases. It heard 21 cases, continued 24 and withdrew 1. The Commission's decisions on these matters are attached to the official minutes.

Bureau of Licensing

The Commission considered the Summary of Applicants Consent Agendas, at approximately 1:30 p.m., unanimously approving Consent Agenda #1 and requiring four from Consent Agenda #2 to appear before it. Jeannie Adkinson, Regulatory Specialist I, presented the Summary of Applicants requesting to sit for the real estate examination. The Commission's orders on these matters are attached hereto and made a part of these minutes.

FREC Counsel

FREC Counsel Daniel Villazon presented Mr. Gerardo Amzel's request asking the Commission to allow him to retake the real estate examination for salesperson. Chief

Attorney Nancy Campiglia explained that the allegations, which include supporting documentation, are that the staff caught Mr. Amzel cheating during the examination. Mr. Amzel made a statement in support of his request. Ms. Campiglia stated the Department's position. Mr. Villazon stated that he was not able to find anything in the rules that allows the Commission to withhold the examination score and prohibit Mr. Amzel to obtain a real estate salesperson license. Commissioner McDonell moved that the Commission take no action. Commissioner Veissi seconded it; motion carried.

Mr. Villazon presented a letter from Leila Teixeira McFerrin requesting that the Commission change the score on her real estate examination and issue her a license. The Commission unanimously denied her request.

Mr. Villazon presented a letter from Charles Treister requesting a clarification of Chapter 475 from the Commission. Mr. Villazon recommended that the Commission not issue an opinion in this matter offering to draft a letter outlining the proper procedure.

Mr. Villazon presented a letter from Mitch Ribak requesting the Commission's approval of a "Community Give Back Program". Mr. Villazon stated that he spoke with Mr. Ribak and explained that the Commission does not give legal opinions in these matters, directing him as to what he should do.

Mr. Villazon presented a letter from Meg Niederhofer, from the City of Gainesville, requesting a legal opinion from the Commission. Mr. Villazon will draft a letter explaining the obligations of a real estate licensee and refer her to *Johnson v. Davis*.

Next, Mr. Villazon presented a letter from Jim Russo requesting the Commission's approval of a web-based referral company, and again offered to draft a letter outlining the proper procedures.

Finally, Mr. Villazon presented a letter from J. Anthony Guadalupe, requesting the Commission's opinion regarding experience. Mr. Villazon stated that it is his opinion that Mr. Guadalupe qualifies under the exemption requiring twelve months experience to obtain a broker's license.

Mr. Villazon presented the following rules for rulemaking:

- 61J2-1.014 – The Commission unanimously approved proceeding with proposed rulemaking as presented.
- 61J2-2.027 – The Commission unanimously approved proceeding with proposed rulemaking as presented.
- 61J2-2.031 – The Commission unanimously approved proceeding with proposed rulemaking as amended.
- 61J2-3.015 – Mr. Workman stated that the changes were made to accommodate the Department's CE monitoring program and to conform with the one hundred percent monitoring. He added that these changes would bring the rule into compliance with the

Department's statute. The Commission unanimously approved proceeding with proposed rulemaking as amended.

- 61J2-5.016 – The Commission unanimously approved proceeding with proposed rulemaking as amended.

The Commission received the following reports in writing: Education Report and Enforcement Report.

There being no further business and no objection, the Chair adjourned the meeting at 4:15 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for July 17, 2002, in Orlando Florida.

Marie Powell
Chairman

Buddy Johnson
Division Director

Written by:

Lori Crawford
Deputy Clerk
