



**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
July 17, 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, Carlos Valdes, and Guy Sanchez, Jr. \*Paul Hornsleth appeared briefly by phone. Commissioner Tina Richardson was 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; Nancy Campiglia, Chief Attorney; Kathleen Koeberich, Bureau Chief of Enforcement; Fred Clanton and David Guerdan, Investigative Supervisors; Donna Ryan, Stacy Robinson Pierce, Juana Watkins, Chris DeCosta, Lorenzo Level and Greg Hass, Prosecutors; Rachel Alvarez, Legal Intern; Jo Ellen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist II; Susan Bailey, Administrative Assistant 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 June 19, 2002, meeting, as written.

Director Buddy Johnson introduced Bureau Chief of Enforcement Kathleen Koeberich; Investigator Supervisors Fred Clanton, David Guerdan and Brian Piper (not present) and Administrative Assistant II Susan Bailey, all of which are new to their positions. Mr. Johnson added that Jack Hisey was recently appointed as Deputy Director for the Division of Real Estate.

Buddy Johnson requested, and the Commission unanimously ratified, the reinstatement of licensure status for: Thomas Wade Davis, Jason Heatherly, Daniel Holmes, Leopoldo A. Manzanilla and Alan David Mentzer who had met all the requirement of reinstatement.

Director Johnson reported that Central Intake has had an increase of application submissions of about sixty-five percent and that the Call Center continues to improve daily.

Next, Director Johnson stated that Chris Workman and George Ayrish again are here to answer any questions that the Commission or members of the audience may have relating to education issues.

Director Johnson further stated that Department Secretary Kim Binkley-Seyer has scheduled a budget meeting with all the Board Chairs in October to review the quarterly financial budget process and management. He added that Commissioner Veissi did a great job representing the Commission at the last meeting and will also be attending the meeting in October.

Last, Director Johnson stated that he and Deputy Secretary Geoffrey Becker had the pleasure of meeting with all the Commissioners except Commissioner Richardson. He added that Commissioner Richard was not feeling well, which is also why she was unable to attend this meeting. Mr. Johnson thanked them for taking time out from their busy schedules.

Next, Chairman Marie Powell introduced Joe McClary, the Director of International Distance Education Certification Center (IDECC) for ARELLO, stating that he was here to address any questions relating to his presentation of the IDECC program at the June FREC meeting.

Chairman Marie Powell congratulated Dick Fryer in his recent appointment as the new President of the Real Estate Educators Association.

Commissioner Veissi requested to address the Legal agenda at a later time in the day when there are rule workshops scheduled. Ms. Campiglia stated that will be no problem in the future.

### **Legal Matters**

At approximately 9:45 a.m., the Commission took up the Legal Agenda, consisting of 41 cases. It heard 18 cases, continued 22 and withdrew 1. The Commission's decisions on these matters are attached to the official minutes.

Upon recommendation of the Legal Section, the Commission unanimously issued 53 Escrow Disbursement Orders (EDO) and 9 Orders of denial. A list of the Orders is attached to the official minutes.

### **FREC Counsel**

Mr. Villazon presented the following rules for workshop:

- 61J2-3.008
- 61J2-3.009
- 61J2-3.020

The Commission received comments from several members of the audience including, Richard Fryer, Bob Collins (CompuTaught), Lobbyist Carl Ogden, Monica Pilkey, John Greer, Evan Butterfield and Linda Crawford. Mr. Workman presented the Department's position. Mr. Villazon stated that he would present a draft of the proposed changes at the August meeting.

### **Bureau of Licensing**

The Commission considered the Summary of Applicants Consent Agendas, at approximately 1:30 p.m., requiring seventeen from Consent Agenda #1 to appear before it, and unanimously approving Consent Agenda #2. 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.

Commissioner Sanchez inquired as to the status of the case against Mr. Espana and Mr. Amzel. Chief Attorney Campiglia stated that she spoke with Mr. Espana and it is his intent to appeal the case at this time. She further stated that as to Mr. Amzel, the Legal Department is in the process of researching the matter extensively.

Commissioner Sanchez then inquired about the issue of U.S. residency and an individual without a Federal I.D. to take a real estate exam. Mr. Villazon stated that federal laws govern those issues and are outside the Commission's jurisdiction. He added that residency does not matter and whether the individual has a work permit or travel visa is an issue for the I.N.S.

FREC Counsel Daniel Villazon presented Applicant Claudette Hoyte Tang How's letter referring to her suspicious activity during a real estate examination for salesperson. Chief Attorney Nancy Campiglia explained that the allegations, which include supporting documentation, are that the staff caught Ms. How cheating during the examination. Ms. Hoyte Tang How was unable to attend to present her case. Ms. Campiglia stated the Department's position. Mr. Villazon advised the Commission that it does not have authority to deny Ms. Hoyte Tang How to retake the test. Commissioner McDonnell moved that the Commission take no action. Commissioner Sanchez seconded it; motion carried.

Mr. Villazon presented a letter from Ron Kolodzik requesting the Commission's approval of promotional advertisement. Mr. Villazon offered to draft a letter explaining that the Commission does not give legal opinions in these matters, and refer him to the appropriate rule.

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

Mr. Villazon presented the Joint Administrative Procedures Committee's (JAPC) objections to the following rules:

61J2-2.027  
61J2-2.031  
61J2-5.016

Mr. Villazon stated that he would confer with the Department and provide a response to the JAPC.

Last, Mr. Villazon presented a letter from the Attorney General's Office, requesting the Commission join them in issuing an opinion regarding 455.225(10), *Florida Statutes*. Commissioner McDonnell moved to defer to the Attorney General's judgment. Commissioner Sanchez seconded it; motion carried.

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 August 21, 2002, in Orlando Florida.

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Marie Powell  
Chairman

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Buddy Johnson  
Division Director

Written by:

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Lori Crawford  
Deputy Clerk

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\*Amended by FREC on 8/21/02