



**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
September 18, 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; Tina Richardson, Carlos Valdes, Poul Hornsleth, Noel McDonell and Guy Sanchez, Jr. 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, Brian Piper and David Guerdan, Investigative Supervisors; Stacy Robinson Pierce, Juana Watkins, Chris DeCosta, Lorenzo Level, Joseph Solla and Greg Hass, Prosecutors; 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 August 21, 2002, meeting, as written.

Director Johnson welcomed the Commission to its new home, and introduced Debbie Weber, Terry Burns and Lisa Iacampo stating that they have been working diligently to ensure a smooth transition in relocating the Orlando offices, the eight investigative offices and all the other Divisions within the Department. Mr. Johnson stated that they have done a phenomenal job. He further stated that the Division staff also provided tremendous help assuring that the move went as smooth as possible.

Bureau of Licensing

The Commission considered the Summary of Applicants Consent Agendas, at approximately 8:30 a.m., requiring one 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.

Legal matters

Upon recommendation of the Legal Section, the Commission unanimously issued 35 Escrow Disbursement Orders (EDO) and 6 Orders of denial. A list of the Orders is attached to the official minutes.

Joseph A. Solla, Senior Attorney presented 1 request for disbursement from the Recovery Fund. The Commission's decisions on these matters are attached to the official minutes.

Commission business continued

Daniel Villazon presented a letter from Reginald C. Williams, Director of Community Services Department, County of Volusia requesting the Commission issue a declaratory statement. Mr. Villazon advised the Commission that the request is not in the proper format and offered to write a letter to Mr. Williams outlining the proper procedure and providing an informal opinion regarding the request. Commissioner Richardson moved to have Counsel Villazon provide the appropriate response in this matter. Commissioner Hornsleth seconded the motion; it carried unanimously.

Mr. Villazon requested the Commission table the fee review scheduled for this meeting until the November meeting. Commissioner McDonell moved to table the review until November. Commissioner Richardson seconded the motion; it carried unanimously.

Director Buddy Johnson reported that the Department scheduled a meeting concerning unlicensed activity for September 30, 2002, at the Marriott Hotel in Tampa. He further reported that the Department has scheduled the financial workshop for October 14, 2002, in Tallahassee.

Director Johnson stated that the Department is committed to actively working with the Commission and added that he would provide an estimated timeline outlining the rewrite. He urged the Commissioners to provide their input regarding the Chapter 475 rewrite.

Director Johnson reported that the Customer Contact Center assisted over 12,440 calls for the week ending September 14th and that out of those calls 2,659 calls were related to real estate and that approximately ten percent of those calls were transferred for additional assistance to Tier "N". He further reported that the Call Center is answering seventy percent of the calls within the first five minutes. He added that the volume of the calls is higher than anticipated and that the Department is increasing its staffing immediately. Director Johnson added that the IVR is at approximately forty percent usage, stating that more people are beginning use the automated system.

Director Johnson also reported that the Central Intake Unit (CIU) is processing applications and online documentation within the time specified by the statutory guidelines. He added that this applies to real estate and all the Divisions of the Department. Director Johnson encouraged the Commissioners to contact him directly for any situations regarding time delays.

Next, Director Johnson reported that he and other Department representatives attended the FAR Convention. He stated that they received favorable comments from the Realtors as to

the staff's instructions regarding online operations. He credited Deputy Director Jack Hisey, the staff from Tier "N" and Enforcement for doing a very nice job. He added that Pat Parker and Missy Rudd did an excellent job assisting other Divisions throughout the state.

Director Johnson stated that he and Secretary Kim Binkley-Seyer attended ICSC and spent some time at the booth. He stated that they received increasingly favorable comments that the Department is moving forward and that it appears the conversations are becoming more positive.

Director Johnson further stated that he spoke with Carolyn Gardner from Florida Association of Realtors and they agreed that the time is right to have all the association executives throughout the State convene in a central location for hands-on training as the primary contacts to answer questions regarding the new system in their respective areas. He added that teamwork and cooperation should further enhance system operations.

Director Johnson reported that the Secretary agreed with the Commission's concerns; therefore, the Division will be printing the newsletter four times a year. The Commissioners agreed. Commissioner Valdes suggested that the first newsletter be printed in January and incorporate everything that has taken place since its last printing. Chairman Powell and Commissioners McDonell and Hornsleth listed a few items that should be helpful to the licensees. Director Johnson thanked the Commissioners for their input.

Director Johnson reported that he or Kathleen Koeberich would answer any questions the Commission may have concerning the Enforcement Section's report. He added that the Department is retooling the structure in Enforcement and there is much more communicative consistency with the field offices. He stated that he is very proud of Regional Supervisors David Guerdan, Brian Piper and Fred Clanton and of Bureau Chief Kathleen Koeberich, for the assistance they have provided during the restructure.

Last, Director Johnson stated that the Division is also very excited about the notion of the telecommunication program in that the investigators will work from their homes. He added that the investigators have computers and a phone set up in their homes and will only need to come into Orlando to conduct interviews.

The Commissioners expressed their concerns regarding various issues relating to investigations and the age of some cases. Director Johnson stated that he understands their concerns, and since the Division is restructuring Enforcement. He added that Ms. Koeberich has a plan to reduce the backlog by identifying simple complaints and conducting desk investigations. Nancy Campiglia added that Legal has been working on reducing cases for sometime and has been triaging cases. She reported that this has brought down Legal Section's backlog by forty percent and that the goal is to stay within one-year current of the date of complaint. She added that this has taken a good year-and-a-half to get it to this point and it is still going to take a little longer.

Commissioner Valdes raised the issue of meeting with the investigators stating that he made this request at the August meeting. Mr. Villazon responded that this is a management decision. Commissioner McDonell asked Director Johnson if he could facilitate a half-hour where they sit down and speak with a designee from some of the field offices to ask general questions relating to the day-to-day operations at one of the monthly

meetings. Commissioner McDonell clarified that the Department is not saying that a Commissioner cannot visit an office on his or her own accord, it is just that it is the Department's position whether it wants to help facilitate the meeting and endorse the meeting. Director Johnson agreed that it is the Department's position that it is not a good idea for reasons that Mr. Villazon stated very well, that the potential for tainting an investigation is so great. Commissioner Valdes explained the meeting would be just to listen and learn. Director Johnson stated that he would prefer to bring the Division's four leads in front of the Commissioners to answer any questions.

Buddy Johnson requested, and the Commission unanimously ratified, the reinstatement of licensure status for: Eduardo Gil, Corey M. Nedeau, Robert Petit and Reginald Jack Rhyne, who had met all the requirement for reinstatement.

Commissioner Valdes stated that he requested a report of how many cases are being reported to the state attorney's office regarding un-licensed activity. Ms. Campiglia replied that every time the Department finds guilt in a case involving unlicensed activity the Division reports it to the state attorney's office, which would be approximately seventeen to twenty cases every five to six months.

Legal Matters continued

At approximately 1:00 p.m., the Commission took up the Legal Agenda, consisting of 18 items. It heard 15 items, continued 1 and withdrew 2. The Commission's decisions on these matters are attached to the official minutes.

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

There being no further business and no objection, the Chair adjourned the meeting at 4:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for September 18, 2002, in Orlando Florida.

Marie Powell
Chairman

Buddy Johnson
Division Director

Written by:

Lori Crawford
Deputy Clerk
