



**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
October 16, 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; Stacy Robinson Pierce, Chris DeCosta, Joseph Solla, and Lorenzo Level, Prosecutors; Fred Clanton, and Brian Piper, Investigative Supervisors; 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 September 18, 2002 meeting, as written.

Bureau of Licensing

The Commission considered the Summary of Applicants Consent Agendas, at approximately 8:30 a.m., unanimously approving Consent Agenda #1 and requiring six to appear before it from Consent Agenda #2. Jeannie Adkinson, Regulatory Specialist II, 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.

Commission Business continued

Director Buddy Johnson announced that Deputy Secretary Geoffrey Becker and James Varnado, Director of the Compliance Division, were present. Next, the Director reported as follows:

The first portion of the Chapter 475 re-write is due November 11. In reference to the call center, one of every five calls is real estate related. Last, the Director reported that the Department is providing training for the licensee community, through the Real Association, for

on-line license registration and renewal services. At the afternoon session, the Director distributed documentation relating to budgeting and financial methodology, which he obtained at a Department financial conference.

The Division Director then introduced James Varnado, who addressed the Commission regarding the manner in which the Compliance Division investigates unlicensed activity.

At the request of the Commission, Deputy Secretary Becker addressed issues related to the regulation trust fund and investigative and prosecutorial staffing at the Division of Real Estate. Further, he mentioned that while cash balances are available, position allocation is a legislative function.

Buddy Johnson requested, and the Commission unanimously ratified, the reinstatement of licensure status for: Constance Rao, Douglas F. Schwartz and Edward C. Vining, Jr., who have met the requirements for reinstatement.

Commissioner Veissi presented a plaque to Chairman Marie Powell, in gratitude for the service she has provided the industry during her tenure as a Commissioner.

FREC Counsel, Daniel Villazon, presented correspondence from Richard J. Diaz, Esquire, requesting a written opinion of the Commission defining moral turpitude as it relates to the charge of "odometer fraud". Mr. Villazon offered giving the requester some guidance, but only as it relates to real estate license law.

Mr. Villazon presented correspondence from Irving Grear, requesting guidance from the Commission as to its policy regarding the effective date of applications the Department receives via facsimile. Mr. Villazon offered to draft a letter outlining the statutory provisions.

Mr. Villazon presented communication from Robert J. Levine, requesting the Commission's guidance as to whether an individual who is paid for supplying public information relating to possible real estate transactions must have a real estate license. Mr. Villazon offered to draft a letter outlining the proper procedures.

Attorney Villazon recommended withdrawal of the following administrative rules that the Commission was in the process of promulgating. Rules 61J2-3.008; .009; and .020. He stated that the recommendation was based on certain technical irregularities, which require further consideration. Upon Commissioner McDonell's motion and Commissioner Veissi's second, the Commission voted unanimously to withdraw the rules and authorized a rule development workshop. Mr. Villazon also advised the Commission that there was a rule challenge, relating to those certain rules, before the Division of Administrative Hearings.

Commissioner McDonell moved to adopt rule 61J2.24.006; Commissioner Veissi seconded the motion, which passed unanimously.

At the recommendation of Attorney Villazon, Commissioner McDonell moved to defer the fee review until the November meeting. Commission Richardson seconded the motion; it carried unanimously. Jay Culley, Budget Director, will be present to provide guidance.

The Commission allowed Mr. Rivera to present a request for re-instatement, which it granted on the basis of records error.

Legal Matters

At approximately 1:30 p.m., the Commission took up the Legal Agenda, consisting of 33 items. It heard 21 items, continued 8 and withdrew 2. The Commission's decisions on these matters are attached to the official minutes.

Upon recommendation of the Legal Section, the Commission unanimously issued 47 Escrow Disbursement Orders (EDO) and 13 Orders of denial. A list of the Orders is attached to the official minutes. The Commission considered 3 requests for disbursement from the Recovery Fund; the Commission's decisions on these matters are attached to the official minutes.

The Legal Agenda concluded, and the Commission received the following reports in writing: Legal Section Report, Education Report and Enforcement Report.

Commissioner Sanchez moved to appoint Matey Veissi as Chair; Commission McDonell seconded the motion; it carried unanimously.

Commissioner Sanchez moved to appoint Carlos Valdes as Vice-Chair, Commissioner Hornsleth seconded the motion, which carried unanimously.

There being no further business and no objection, the Chair adjourned the meeting at 6:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for November 20, 2002, in Orlando, Florida.

Matey Veissi
Chairman

Buddy Johnson
Division Director

Written by:

Lori Crawford
Deputy Clerk