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**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
February 19, 2003
Meeting**

Jeb Bush
Governor

Diane Carr
Secretary

Chairman Matey Veissi, called the meeting of the Florida Real Estate Commission to order, at approximately 8:35 a.m., at the Division of Real Estate Headquarters, Orlando, Florida.

The Chair introduced the Commissioners and its legal counsel. The following Commission members were in attendance: Matey H. Veissi, Chairman, Carlos Valdes, Vice-Chairman; Poul Hornsleth, Noel McDonell and Guy Sanchez, Jr. The Chair declared a quorum present. Daniel Villazon appeared as counsel for the Commission.

Division of Real Estate staff present at the meeting: Nancy Campiglia, Acting Director; Kathleen Koeberich, Bureau Chief of Enforcement; Fred Clanton, Investigative Supervisor; Chris DeCosta, James Harwood, Stacy Robinson Pierce, Sven Smith and Joseph Solla, Prosecutors; Lori Crawford, Regulatory Supervisor/Consultant; JoEllen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist II and Maxine Carter, Regulatory Specialist I. American Court Reporting Service (407-324-4290) provided court reporter services.

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Commission Business

Approval of the Minutes

Commissioner Sanchez moved, and Commissioner Valdes seconded the approval of the minutes of the January 15, 2003, meeting, as written. The motion carried unanimously.

Summary of Applicants--Bureau of Licensing

The Commission considered the Summary of Applicants Consent Agendas, at approximately 8:37 a.m., requiring no appearances from Consent Agenda #1, and ten from Consent Agenda #2, otherwise unanimously approving the applicants on the respective consent agendas. 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.

Director's Remarks

Acting Director Nancy Campiglia requested the Commission ratify the reinstatement of Adeyemo M. Ashimi, Willie R. Bryant, Frederick H. Conley, Douglas L. DeSantis and Cimerron C. Smith, who have met the requirements for reinstatement. The Commission ratified the action unanimously.

Next, she reported that the Department is holding the first of five Instructor's Seminars in Miami, on February 21, 2003, where the department will provide instructions to the instructors on how to report continuing education electronically. Ms. Campiglia requested that the Commission give its permission to initiate electronic reporting in April. The Commission unanimously approved the request.

Ms. Campiglia requested that the Commission consider allowing the Division a threshold authority to approve applications and provided the following:

1. Any misdemeanor offenses more than 10 years old with no other occurrences.
2. Any misdemeanor offenses less than 5 years old with further occurrences or questionable status to be placed on the Consent Agenda for the Commission's consideration.
3. All major offenses, regardless of date/time to appear before the Commission for consideration.

Commissioner McDonell moved the adoption of the proposal, and Commissioner Sanchez seconded. The motion carried unanimously.

Ms. Campiglia reported that the Miami investigator position is filled and Gainesville will be as of February 28th.

Attorney Villazon presented the rules 61J2-3.009, 3.009, 3.010 and 3.020, *Florida Administrative Code* for proposed rule development. The Commission received comments from members of the audience. Upon conclusion of discussions, Commissioner Sanchez moved, and Commissioner Valdes seconded the approval of the rules for rulemaking as amended. The motion carried, unanimously.

Attorney Villazon presented correspondence from:

Andrew Newman, Esquire – requested a hearing to reinstate his null and void real estate license. The Commission stated that it does not have the authority to divert from the statute and reinstate his license.

Mary Jean Navaretta, Assistant City Attorney for the City of Port St. Lucie – with the Commission's approval, Mr. Villazon stated that he would provide a written response.

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Legal Matters

At approximately 12:50 p.m., the Commission took up the Legal Agenda, consisting of 27 items. It heard 17 items and continued 10. The Commission's decisions on these matters are attached to the official minutes.

Upon recommendation of the Legal Section, the Commission unanimously issued 83 Escrow Disbursement Orders (EDO) and 15 Orders of Denial. A list of the Orders is attached to the official minutes.

Commissioner Sanchez moved, and Commissioner Valdes seconded a request for the Department to work with the Florida Association of Realtors in communicating to the Legislators the request to upgrade unlicensed activity from a misdemeanor to a felony. The motion carried, ~~unanimously~~. Commissioner McDonell voted no, disagreeing with the underlying issue because she feels that prosecutors will not take the violation seriously.

Guy Sanchez moved, and Commissioner Hornsleth seconded the request that the Department draft a Resolution for presentation to the military troops in support of the soldiers' efforts in serving their country. The motion carried, unanimously.

There being no further business and no objection, the Chair adjourned the meeting at approximately 5:40 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for March 19, 2003, at Division Headquarters in Orlando, Florida.

Matey Veissi
Chairman

Nancy P. Campiglia
Acting Division Director

Respectfully submitted:

Lori Crawford
Regulatory Supervisor Consultant