



**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
July 15 and 16, 2003
Meeting**

Chairman Matey Veissi called the meeting of the Florida Real Estate Commission to order, at approximately 1:00 p.m., at the Division of Real Estate Headquarters, Orlando, Florida, on this 15th day of July, 2003.

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

Division of Real Estate staff present at the meeting: Jason Steele, Director; Keith Chapman, Deputy Director; Juana C. Watkins, Chief Attorney; Kathleen Koeberich, Bureau Chief; Alpheus C. Parsons, Prosecutor; David Guerdan, Fred Clanton and Brian Piper, Investigator Supervisors; Lori Crawford, Regulatory Supervisor/Consultant; Jeannie Adkinson, Regulatory Specialist II; Maxine Carter; Regulatory Specialist I. American Court Reporting Service (407-324-4290) provided court reporter services.

Commission Business

Approval of the Minutes

Commissioner Hogan moved, and Commissioner Hornsleth seconded the approval of the minutes of the June 17 and 18, 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 1:45 p.m., July 15, 2003, requiring 5 applicants from the Consent Agenda to appear before it. 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 Matters

Director Jason Steele reported that the ARELLO Conference is scheduled for October 25-28, 2003, in Portland Oregon. The Department authorized two Commissioners to attend. Chairman Veissi asked Vice-Chair Valdes and Commissioner Hornsleth to attend the conference.

Director Jason Steele offered his apologies to Vice-Chair Valdes for the misunderstanding regarding the Education Foundation meeting held on July 10, 2003. Director Steele stated that it was his understanding that statutorily the Foundation may not expend any funds for the purpose of employing full-time employees in order to implement the scholarship funding. He assured the Commission that he would submit a complete package to the Department upon completion of the scholarship fund proposal from the Task Force Committee including the formal opinion from its Counsel Daniel Villazon. Vice-Chair Valdes expressed his concerns that this information was not given to him prior to the meeting. Chief Attorney Juana Watkins added that the Department does not object to a scholarship program provided that the program does not violate any statutes or rules. She added that Department would make an informed decision upon receipt of all information relating to the implementation of the program. Vice-Chair Valdes requested that Mr. Villazon provide a written opinion directing the Commission as to how to implement these funds within the perimeters of the statutes. Counsel Villazon stated that he would provide a written opinion outlining what the funds are to be used for and the limitations imposed upon submission of the Committee's proposal.

The Chair recessed the meeting at approximately 5:00 p.m., July 15, 2003.

Chairman Matey Veissi reconvened 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, on this 16th day of July 2003.

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

Division of Real Estate staff present at the meeting: Jason Steele, Director; Keith Chapman, Deputy Director; Juana C. Watkins, Chief Attorney; Kathleen Koeberich, Bureau Chief, JoEllen Peacock, Education Coordinator; Chris DeCosta, James Harwood, Sven Smith and Joseph Solla, Prosecutors; Fred Clanton, David Guerdan and Brian Piper, Investigator Supervisors; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting Service (407-324-4290) provided court reporter services.

Director's Matters continued

Chairman Veissi directed Director Jason Steele to give his report.

The Director stated that he was going into his sixth week with the Division of Real Estate. He stated that he would be providing a preliminary report regarding issues relating to the heart of the Division and its vision for the future.

The Director stated that in the past the Florida Association of Realtors and the Department entered into an agreement to spend unlicensed activity money on public service ads. He advised that the Department has interviewed several public relations firms in an effort to provide the Commission an opportunity to review other avenues on spending the available funds for its consideration and endorsement.

The Director reported that the Division has spent a tremendous amount of time on the budget during the last two weeks and it is in relatively good shape. He advised that he would provide a report upon receipt of the final version.

Next, the Director stated that he was pleased to introduce the Division's new Deputy Director Keith Chapman.

Last, Director Steele requested the Commission ratify the reinstatement of Coast to Coast Realty, Inc., Miguel A. Dominguez, Eric J. Hill, Elio M. Rodriguez, Victor Manuel Roldan, Richard Rosen, Anne H. Sluder, James R. Sullivan and Eugene Wojowoda, who have met the requirements for reinstatement. The Commission ratified the action unanimously.

Legal Matters

At approximately 9:00 a.m., the Commission took up the Legal Agenda, consisting of 32 items. It heard 5 items and continued 27. The Commission's decisions on these matters are attached to the official minutes.

Upon recommendation of the Legal Section, the Commission unanimously issued 124 Escrow Disbursement Orders (EDO), 1 Amended EDO and 2 Orders of denial. A list of the Orders is attached to the official minutes.

Commission Business continued

FREC Counsel presented objections from the Joint Administrative Procedures Committee regarding the following rules:

61J2-2.027 – Mr. Villazon stated that Ms. Printy's concerns regarding this issue have been resolved by the recent statutory changes.

61J2-2.031 – Mr. Villazon stated that Ms. Printy's concerns regarding this issue have been resolved by the recent statutory changes.

61J2-3.008(1) – Mr. Villazon stated that Ms. Printy's objection is correct and he would recommend deleting the words "of a minimum of". Commissioner Hornsleth moved and Commissioner Valdes seconded to make the proposed changes to the language. Motion carried unanimously.

61J2-3.008(2) – Mr. Villazon stated that Ms. Printy's objection is correct and he would recommend deleting the words "of a minimum of". Commissioner Hornsleth moved and Commissioner Valdes seconded to make the proposed changes to the language. Motion carried unanimously.

61J2-3.008(3)(a) – Mr. Villazon stated that in agreement with Ms. Printy's objection the Department would file a notice of change tracking the statutory language. Commissioner Hornsleth moved and Commissioner Valdes seconded to track statutory language. Motion carried unanimously.

61J2-3.008(4)(a) – Mr. Villazon stated that in response to Ms. Printy’s objection, the position of the Commission is that there is an inherent authority to dictate how long the course is valid. Mr. Villazon stated that with the Commission’s permission he would send a letter explaining its position.

61J2-3.008(4)(b)2 – Mr. Villazon stated that there was a statutory change in the language and therefore the issue should be resolved based on the new language. He added that in response to Ms. Printy’s second objection, the language would be changed from “the extent to which the course complies” to “its compliance”. Commissioner Hornsleth moved and Commissioner Valdes seconded to make the proposed changes to the language. Motion carried unanimously.

61J2-3.008(5)(b) – Mr. Villazon stated that in response to Ms. Printy’s objection, he would recommend changing the language to read “The school shall post a schedule of availability of the instructor.” Commissioner Hogan moved and Commissioner Valdes seconded to make the proposed changes to the language. Motion carried unanimously.

61J2-3.009(1)(b) – In response to Ms. Printy’s objection and after discussion, the Commission agreed to change the language to address her concerns. Commissioner Hogan moved and Commissioner Valdes seconded to make the proposed changes to the language. Motion carried unanimously.

61J2-3.009(4)(d) - Mr. Villazon stated that in response to Ms. Printy’s objection, he would recommend changing the language to read “The school shall post a schedule of availability of the instructor.” Commissioner Hogan moved and Commissioner Valdes seconded to make the proposed changes to the language. Motion carried unanimously.

61J2-3.009(8) – Mr. Villazon stated that with the Commission’s permission, he would send a letter explaining why this rule authorizes licensees to receive up to 3 hours of continuing education credit.

61J2-3.009(9) – In response to Ms. Printy’s objection and after discussion, the Commission agreed to change the language to address her concerns. Commissioner Hornsleth moved and Commissioner Valdes seconded to make the proposed changes to the language. Motion carried unanimously.

61J2-3.010 – Mr. Villazon stated that the Department withdrew the rule changes.

61J2-3.015 – In response to Ms. Printy’s objection, Mr. Villazon stated that the Department has statutory authority and with the Commission’s permission would send a letter to Ms. Printy advising same.

61J2-3.020 (1)(a) – Mr. Villazon stated that Ms. Printy’s objection is correct and he would recommend deleting the words “of a minimum of”. Commissioner Hornsleth moved and Commissioner Hogan seconded to make the proposed changes to the language. Motion carried unanimously. As to the second paragraph, Mr. Villazon stated that he would send a letter to Ms. Printy explaining that the Legislature gives discretion to the Commission.

61J2-3.020(1)(b) – Mr. Villazon stated that Ms. Printy’s objection is correct and he would recommend deleting the words “of a minimum of”. Commissioner Hornsleth moved and

Commissioner Hogan seconded to make the proposed changes to the language. Motion carried unanimously.

61J2-3.020(3)(a)2 – Mr. Villazon stated that Ms. Printy’s concerns regarding this issue have been resolved by the recent statute change.

61J2-3.020(3)(a)2.g. – Mr. Villazon stated that in response to Ms. Printy’s objection, he would recommend changing the language to read “The school shall post a schedule of availability of the instructor.” Commissioner Hornsleth moved and Commissioner Valdes seconded to make the proposed changes to the language. Motion carried unanimously.

61J2-3.020(3)(a)2.i. – In response to Ms. Printy’s objection, Mr. Villazon recommended to delete the language. Commissioner Hornsleth moved and Commissioner Valdes seconded to delete the language. Motion carried unanimously.

61J2-3.020(7) – Mr. Villazon stated that Ms. Printy is objecting to the hours of availability. Commissioner Hornsleth moved and Commissioner Hogan seconded to changing the language to read “The school shall post a schedule of availability of the instructor.” Motion carried unanimously.

61J2-3.020(9) – In response to Ms. Printy’s objection, Mr. Villazon recommended changing the language to address her concerns. Commissioner Hornsleth moved and Commissioner Hogan seconded to make the proposed changes to the language. Motion carried unanimously.

61J2-5.016 – Mr. Villazon stated that based on the rewrite the statute is clear and he recommended that the Commission withdraw the changes to this rule. Commissioner Hornsleth moved and Commissioner Valdes seconded to withdraw changes. Motion carried unanimously.

Next, Mr. Villazon stated that the Department is requesting that the Commission grant emergency rule making authority to increase the fee for the fingerprint cards from \$39.00 to \$47.00 as FDLE has increased its fees. Commissioner Hornsleth moved and Commissioner Hogan seconded granting the authority to the Department. Motion carried unanimously.

Director Steele stated that with respect to the finger printing issue, he is working with the Department of Insurance to implement electronic finger printing. He stated that he would report on his progress.

Mr. Villazon stated that with the Commission’s approval he would provide the appropriate responses in writing to all correspondence presented to the Commission.

Mr. Villazon requested that the Commission ratify the 90-day extension the Department granted to individuals to take the initial licensure course from July 1, 2003 to September 29, 2003. Commissioner Hornsleth moved and Commissioner Hogan seconded. Motion carried unanimously.

Commissioner Hogan expressed her concerns regarding inaccurate information that is being given to consumers who call Tallahassee. Director Steele stated that the Department is aware of the issue and is in the process of resolving the matter.

Chairman Veissi expressed her concerns regarding the pass/fail rate and requested a report from JoEllen Peacock regarding the testing issue. Chief Attorney Juana Watkins stated that she

would coordinate with General Counsel Nancy Campiglia regarding this issue and would provide a report next month. Additionally, Chairman Veissi requested that Director Steele ask someone from the Bureau of Testing to attend the next meeting.

The Commission received comments from Realtor Ray Glynn regarding the new Homeowners Community Summary Disclosure that became effective July 1, 2003. Mr. Glynn inquired as to whether the Department would be providing its interpretation of this statute. Director Steele stated that he has received approval from the Department to have a meeting with representatives from the Division, Florida Association of Realtors and FREC's counsel to be able to provide an interpretation of the new statute in order to clarify to the licensing public what will be prosecuted.

Next, Commissioner Hogan inquired about the FREC newsletter and whether it would be published again. Director Steele stated that he would look into that matter.

Last, FREC Counsel Daniel Villazon requested the Commission schedule a Task Force meeting for a rule review workshop for August 18, 2003.

There being no further business and no objection, the Chair adjourned the meeting at approximately 12:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for August 19 and 20, 2003, at Division Headquarters in Orlando, Florida.

Matey Veissi
Chairman

Jason Steele
Division Director

Respectfully submitted:

Lori Crawford
Deputy Clerk