



**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
April 20 and 21, 2004  
Meeting**

Vice-Chairman Guy Sanchez, Jr. called the meeting of the Florida Real Estate Commission to order, at approximately 8:40 a.m., at the Division of Real Estate Headquarters, Orlando, Florida, on this 20<sup>th</sup> day of April, 2004.

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

Division staff present at the meeting: Juana C. Watkins, Acting Director; Keith Chapman, Deputy Director; Christopher J. DeCosta, Senior Attorney; Kathleen Koeberich, Bureau Chief; James Harwood, Alpheus Parsons, Alfonso Santana and Jason W. Holtz, Prosecutors; Brian Piper and David Guerdan, Investigator Supervisors; Lisa Arena; Investigative Specialist II; JoEllen Peacock, Education Coordinator; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting Service (407-324-4290) provided court reporter services.

**Approval of the Minutes**

Commissioner McDonell moved to approve the Minutes of the March 16 and 17, 2004, General meeting, as written. Commissioner Veissi seconded it. The motion carried unanimously.

**Commission Business**

**Unfinished Business**

**Miami FREC meeting update**

Acting Director Watkins reported that accommodations have been finalized. She stated that the legal agenda may be light due to the venue, however the Summary of Applicant agenda will be heavy.

**Computer-based testing contract**

Ms. Watkins reported that Jo Anne Cahill from Promissor was here last month to answer any questions the Commission had regarding this issue. She further reported that there were still a number of outstanding issues. Ms. Watkins added that the Department and Promissor have negotiated a new contract, which should become effective May 1,

2004. Ms. Watkins stated that the Department would provide a copy to the Commission and it would be on the agenda for the May or June FREC meeting depending on when Ms. Cahill and a Department representative would be available. Commission received comments from the audience.

#### FREC meeting in the Panhandle

Ms. Watkins stated that at the last meeting, the Division requested that the Commission offer suggestions for a location for the October FREC meeting in the Panhandle. She reported that Chairman Valdes communicated later that he wanted to hold the FREC meeting in Tallahassee. Ms. Watkins further reported that prior to Chairman Valdes' request for Tallahassee, the Division requested information from various locations in the Emerald Coast area and Tallahassee. Ms. Watkins stated that there is a location in Fort Walton Beach that would have space in October. She further stated that the conference room at the Department of Transportation in Tallahassee is not available, but that there may be space available at the Double Tree Hotel. Ms. Watkins added that FAMU would be having its homecoming the same week that the meeting is scheduled. Commissioner Hornsleth moved to hold the October FREC meeting in Fort Walton Beach. Commissioner Veissi seconded. The motion carried unanimously.

#### Real estate license photo identification

Ms. Watkins reported that Section 626.301, *Florida Statutes* gives the Department of Insurance the authority for photo identification, as well as rulemaking authority, therefore it appears that the Commission would need statutory authority as well. Ms. Watkins added that Promissor does have the ability to provide photo identifications on site. Mr. Villazon stated that the Department is moving towards getting the appropriate authority. Mr. Randy Schwartz, counsel for the Florida Association of Realtors, stated that he would contact the appropriate persons and inquire if there is time to address this issue during this legislative session.

#### May Probable Cause meeting

Commissioner McDonell suggested that the probable cause meeting be held in Miami in lieu of asking Commissioner Beals to travel again the following week. Commissioner Veissi stated that she would sit for probable cause. Ms. Watkins stated that the Division would contact a former member from the Miami area to find out if he would be available.

Commissioner McDonell moved to table the remaining items under Commission Business until tomorrow. Commissioner Hogan seconded. The motion carried unanimously.

#### Legal Matters

At approximately 9:00 a.m., the Commission took up the Legal Agenda, consisting of 28 items. It heard 19 items and continued 9. The Commission's decisions on these matters are attached to the official minutes.

Ms. Watkins stated that applicant cases that have a Recommended Order from the Division of Administrative Hearings regarding whether an applicant is qualified for licensure used to be on the Administrative Agenda and not on the Legal Docket. She suggested that these Recommended Orders be heard on the day that the Summary of Applicants are presented. The Commission agreed and approved this request.

## **Commission Business**

### **New Business**

#### **Recovery Fund Claim**

Senior Attorney Christopher J. DeCosta presented Recovery Fund Claim styled Noxon Company v. Revonda Cross, Case Number 2002011506 upon Claimant's Motion to Set Aside Recovery Fund Claim Final Order for the sole purpose of entering a new Final Order to preserve the Claimant's ability to appeal the case. Commissioner Beals moved to grant this request and issue a new Final Order denying the claim. Commissioner Hornsleth seconded. The motion carried unanimously.

#### **Escrow Disbursement Orders**

Upon recommendation of the Legal Section, the Commission unanimously issued 49 Escrow Disbursement Orders (EDO) and 2 orders of denial. A list of the Orders is attached to the official minutes.

#### **Ratification of reinstated licenses**

Acting Director Watkins requested the Commission ratify the reinstatement of Soraya Lee-Gerdel, Richard Oerting, Thomas W. Stapp, Joshua Taback, Robert T. Upright and Robin Van Camp who have met the requirements for reinstatement. The Commission ratified the actions unanimously.

#### **FREC Newsletter**

Ms. Watkins reported that the printing company that the Division initially negotiated with stated that the agreed upon price was incorrect. She further reported that the Division terminated the contract with the initial company. Ms. Watkins stated that the newsletter was being mailed to a new printer today and she reported that the newsletter should be in the mail in about two weeks.

#### **Acting Director's remarks**

Ms. Watkins reported that she met with Mr. Villazon to discuss the option of requiring applicants submit background checks with their applications. She added that the applicants would only be able to submit the FDLE report. Mr. Villazon stated that Kentucky requires its applicants to provide the information with the initial application. He reiterated Ms. Watkins' comments that the licensee can get the FDLE report, but that the licensee would not be

able to get the FBI records as only law enforcement agencies have access to national records. He further added that the Department has access to the National Crime Information Center (NCIC) report through the fingerprint cards but the Department can not make the NCIC report a requirement of the application process because the licensee would not have access. The Commissioners expressed their concerns regarding this issue. Mr. Villazon stated that the Legislature mandated that electronic fingerprinting go into effect by 2006, which should resolve this issue.

The Vice-Chair recessed the meeting at approximately 2:00 p.m., April 20, 2004.

Vice-Chairman Guy Sanchez, Jr. 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 21<sup>st</sup> day of April, 2004.

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

Division staff present at the meeting: Juana C. Watkins, Acting-Director; Keith Chapman, Deputy Director; Christopher J. DeCosta, Senior Attorney; Kathleen Koeberich, Bureau Chief; 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.

### **Summary of Applicants-Bureau of Licensing**

At approximately 8:40 a.m. 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.

The Commission considered the Summary of Applicants Consent Agenda, requiring 19 applicants from the Consent Agenda to appear before it.

### **Commission business**

#### **Unfinished business**

Commissioner Hornsleth provided a brief summary of information he received from the Oklahoma Real Estate Commission. He stated that ARELLO is trying to get a national data base as to disciplinary actions and that they were hoping to have 100% cooperation. Vice-Chair Sanchez stated that he feels it is very important to attend the conventions as they are very informative and he added that the people from ARELLO are very cooperative. Commissioner Veissi inquired whether there would be any cost to the Division in providing this information. Ms. Watkins stated there would be no costs in providing that information and that the Division would be cooperative.

**Unlicensed activity**

Ms. Koeberich provided a brief summary regarding unlicensed activity. She stated that the Department is moving forward with the plans for advertising on billboards and bumper stickers. She added that they are also investigating conducting stings and sweeps in conjunction with Regulation. Vice-Chair Sanchez stated that there are several Spanish papers that advertise real estate for individuals without real estate licenses and inquired how does the Department plan to reach the Hispanic communities. Ms. Koeberich responded that the Division employs several Spanish-speaking investigators and that the Department will target the Spanish-speaking public via billboards and bumper stickers. Ms. Watkins stated that we have been actively identifying cases that are appropriate for stings and sweeps. Ms. Watkins stated that the Department is mindful that the end of the fiscal year is rapidly approaching and we are working as quickly as possible to make sure that the plans we have developed come to fruition before the end of the fiscal year. She added that less money was spent on PSAs than originally anticipated.

**Board privatization**

Ms. Watkins reported that the Division should have the requested information sometime this week and it would be distributed to the Commissioners prior to the meeting in May.

**Education Foundation Scholarship program**

The report regarding the Education Foundation Scholarship program was tabled until next month.

There being no further business and no objection, the Chair adjourned the meeting at approximately 2:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for May 18 and 19, 2004, at the Hilton Airport in Miami, Florida.

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Carlos L. Valdes  
Chairman

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Juana C. Watkins  
Acting Division Director

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