



**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
November 16 and 17, 2004
Meeting**

Chairman Guy Sanchez called the meeting of the Florida Real Estate Commission to order, at approximately 8:45 a.m., at Orlando, Florida, on this 16th day of November, 2004.

The Chair introduced the members of the Commission and its legal counsel. The following Commission members were in attendance: Guy Sanchez, Jr., Chairman; Nancy B. Hogan, Vice-Chairman; Matey Veissi, Poul Hornsleth and Noel McDonell. Commissioner Bob Beals joined the meeting at 12:00 p.m. Commissioner Carlos L. Valdes was excused. The Chair declared a quorum present. Catherine Lannon, Senior Assistant Attorney General and John R. Rimes, Senior Assistant Attorney General appeared as counsel for the Commission.

Department and Division staff present at the meeting: Michael Murphy, Acting Deputy Secretary; Juana C. Watkins, Acting Director; Sharon Thayer, Deputy Director; Christopher J. DeCosta, Acting Chief Attorney; Kathleen Koeberich, Bureau Chief; James Harwood, Alpheus Parsons, Jason Holtz and Alfonso Santana, Prosecutors; David Guerdan, Investigator Supervisor; JoEllen Peacock, Education Coordinator; Dan Combs, Education Development Specialist; Lori Crawford, Regulatory Supervisor/Consultant. Leslie McGilvray & Associates (407-323-0376) provided court reporter services.

Legal Matters

At approximately 8:45 a.m., the Commission took up the Legal Agenda, consisting of 21 items. It heard 17 items, withdrew 2 and continued 2. The Commission's decisions on these matters are attached to the official minutes maintained at the Division of Real Estate headquarters in Orlando, Florida.

New FREC Business

Approval of FREC Meeting Dates for 2005

Vice-Chairman Hogan moved to approve the dates for 2005. Commissioner McDonell seconded it. The motion carried unanimously.

Escrow Disbursement Orders

Upon recommendation of the Legal Section, the Commission unanimously issued 181 Escrow Disbursement Order (EDO) and 4 Order. A list of the Orders is attached to the official minutes maintained at the Division headquarters.

Recovery Fund Claim Order

Acting Chief Attorney DeCosta presented Recovery Fund Claim styled Maria and Angel Muniz-Torres v. Penny Bennett, Case Number RFC 2004024003. Commissioner Hornsleth moved to deny payment from the recovery fund. Vice-Chairman Hogan seconded. The motion carried unanimously.

Approval of the Minutes

The Commission unanimously approved the Minutes of the October 18, 2004, Task Force Meeting of FREC Legislative Issues, as written.

The Commission unanimously approved the Minutes of the October 19 and 20, 2004, General meeting, as written.

Summary of Applicants

Consent agenda

The Commission considered the Summary of Applicants Consent Agenda, and unanimously approved requiring 35 applicants from the Consent Agenda to appear before it.

Unfinished Business

Unlicensed Activity

Acting Director Watkins provided a report to the Commissioners relating to the activities regarding unlicensed activity investigations.

Education Task Force Recommendations

The Commission unanimously approved the Minutes of the October 18, 2004, Education Taskforce Meeting, as written.

Acting Director Juana Watkins reported that the Bureau of Education and Testing prepared a written explanation and response based on the recommendations from the Education Task Force meeting to provide additional information with respect to the points as outlined. The Commission reviewed the written response and Chairman Sanchez opened the floor for discussion. A copy of the response is attached to the official minutes maintained at the Division headquarters.

Members of the Commission made several inquiries and comments, which were addressed by Acting Deputy Secretary Michael Murphy and Dr. Dan Combs from the Bureau of Education and Testing. The Commission also received comments from the members of the audience, which were also addressed by Acting Deputy Secretary Murphy and Dr. Combs.

Dr. Combs reported that he has compiled a survey for the test takers to complete on a voluntary basis, which will capture statistics as to the test takers educational background. The Commissioners and members of the audience offered additional suggestions in relation to the survey. Dr. Combs thanked the Commission and audience members for the suggestions and stated that he would modify the survey accordingly.

Ms. Lisa Shasteen, Esquire, a Subject Matter Expert (SME) for the Department, provided an explanation as to her participation and insight as to the review process of real estate examinations.

Mr. Murphy stated that he would convey the Commissioners' comments and suggestions and the Department would provide a report on status of these issues next month. Mr. Murphy further stated that we have recorded the comments and concerns in response to the Bureau of Education and Testing's recommendations so that we may try and resolve the issues. Mr. Murphy added the recommendations the Bureau of Education provided was simply to explain where the Department is in relation to the Commission's recommendations and that the Department intends to go over the entire process and determine how we can better serve the instructors, schools and applicants. Mr. Murphy stated that the Department would do everything it can do within the proper testing procedures to address all of these issues.

Ms. Watkins reported that one of the recommendations of the Bureau is to conduct a quarterly review, which would be an excellent tool to allow the educators and the students to bring these issues to the Department's attention. Ms. Watkins added that once Dr. Combs is able to analyze the survey in its entirety, the Department would have a better picture of where adjustment should be made and agreed that better communication would solve many of these issues. Ms. Watkins again reiterated that the Department is committed to resolving these issues.

The Chair recessed the meeting at approximately 3:55 p.m., November 17, 2004.

November 17, 2004

Chairman Guy Sanchez reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., at Orlando, Florida, on this 17th day of November 2004.

The following Commission members were in attendance: Chairman Guy Sanchez; Nancy B. Hogan, Vice-Chairman; Matey H. Veissi, Noel McDonell, Poul Hornsleth and Bob Beals. Commissioner Carlos L. Valdes was excused. The Chair

declared a quorum present. Mr. John J. Rimes appeared as counsel for the Commission.

Division staff present at the meeting: Mike Murphy, Acting Deputy Secretary; Juana C. Watkins, Acting Director; Sharon Thayer, Deputy Director; Christopher J. DeCosta, Acting Chief Attorney; Kathleen Koeberich, Bureau Chief; JoEllen Peacock, Education Coordinator; Lori Crawford, Regulatory Supervisor/Consultant; Jeannie Adkinson, Regulatory Specialist II; Maxine Carter, Regulatory Specialist I. Leslie McGilvray & Associates, (407-323-0376) provided court reporter services.

Summary of Applicants-Bureau of Licensing

At approximately 8:30 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 the official minutes as maintained at the Division of Real Estate headquarters.

FREC Newsletter

Acting Director Watkins requested that a member of the Commission provide an article for the next newsletter.

Commissioner Veissi requested to address the information she received from Ms. Watkins regarding the number of investigators for each profession to compare the number of licensees with the number of investigator. Ms. Veissi stated that for the records she is formally requesting that the Department address this issue. Chairman Sanchez requested that this issue be placed on the agenda.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 2:20 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for December 14 and 15, 2004, at the Division Headquarters in Orlando, Florida.

Guy Sanchez
Chairman

Liz Vieira
Division Director

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