



**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
July 19 and 20, 2005
Meeting**

Chairman Guy P. Sanchez called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., at Orlando, Florida, on this 19th day of July, 2005.

The Chairman introduced the members of the Commission and its legal counsel. The following Commission members were in attendance: Chairman Guy P. Sanchez; Vice-Chairman Nancy B. Hogan; Matey H. Veissi, Bob Beals; S. W. Ellis; James D. Varnado, and Poul Hornsleth. The Chairman declared a quorum present. Ms. Barbara R. Edwards appeared as counsel for the Commission.

Department and Division staff present at the meeting: James Blount, Chief of Staff; Andy Edwards, Deputy Secretary; Michael E. Murphy, Acting Director; Sharon Thayer, Deputy Director; Bennett M. Miller, Chief Attorney; Kathleen Koeberich, Bureau Chief; James P. Harwood, Alpheus C. Parsons and Alfonso Santana Prosecutors; David Guerdan and Fred Clanton, Investigator Supervisors; Fred Seli, OPS Supervisor for Unlicensed Activity; Lori Crawford, Regulatory Supervisor/Consultant; Jeannie Adkinson, Regulatory Specialist III; Laurie A. Roessler-Solis, Regulatory Specialist II; Jan Dodd, Regulatory Specialist II; and American Court Reporting, Inc. (407-896-1813) provided court reporter services.

Approval of the Minutes

The Commission unanimously approved the Minutes of the June 14 and 15, 2005, General meeting, as written.

Legal Matters

At approximately 8:30 a.m., the Commission took up the Legal Agenda, consisting of 23 items. The Commission heard 19 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.

Commission Business

Division Follow-Up

Unlicensed Activity Monthly Report

OPS Supervisor, Fred Seli, presented the monthly report regarding unlicensed activity. Mr. Seli addressed several questions from the Commissioners regarding the report, including, the procedures of the investigation of unlicensed activity.

Bureau Chief of Enforcement, Kathleen Koeberich, provided a brief update regarding the unlicensed activity advertisements. Ms. Koeberich added that she is waiting on the Office of Communications for approval of the proposed ads and accompanying press release.

Pennsylvania Mutual Recognition Request

Counsel for the Commission, Barbara R. Edwards, addressed the issue of whether Florida should enter into a mutual recognition agreement with the State of Pennsylvania. Mr. Dick Fryer stated ARELLO promotes pure reciprocity; Florida has mutual recognition and that the two states would enter into a mutual agreement to recognize licensure, upon completing certain criteria, in the other state. The Chairman directed to conduct research on this matter. Ms. Edwards responded affirmatively and stated that she would provide a letter to Pennsylvania Real Estate Commission advising of the status of this matter.

Licensees Attendance

Chief Attorney, Bennett Miller, addressed the Commission to advise that he found no legal obstacles which he has been able to identify that would prevent the Commission from requiring the Respondent to attend two complete calendar days from start to finish. Commissioner Hogan inquired about the status of providing guidelines to the attendees. Mr. Miller stated that he would have a draft of the guidelines for the Commission's review and approval at the next meeting.

New Business

Confirmation of Appointed Director

Deputy Secretary, Andy Edwards, addressed the Commission to present the newly appointed director and ask that they approve the same. Mr. Edwards provided a brief summary of Mr. Murphy's professional experiences. Chairman Sanchez inquired whether the Commission is required to confirm the director at this meeting. Ms. Barbara Edwards replied that confirmation today is not required. Chairman Sanchez asked Mr. Murphy what he would do differently. Mr. Murphy provided a brief summary of his strengths and abilities that would benefit the division. Mr. Edwards provided additional comments. Vice-Chairman Hogan requested Mr. Murphy's résumé. Mr. Edwards responded that Mr. Murphy could provide a résumé. Chief of Staff James Blount requested to address the Commission. Mr. Blount provided a summary of the positive changes that have taken place in the last three years and the monumental tasks the department and Secretary Carr has taken on in making changes to improve the quality and level of service provided to the consumers. Chief Blount stated that he understands the Commission's frustration. He further stated that the department is confident this is right move because of Mr. Murphy's experience, from the perspective as a service provider, making him uniquely qualified to manage this division.

The Commission provided additional comments and after deliberation and discussion between representatives of the Department and the Commission, the Commission failed to confirm the Secretary Carr's appointment. The motion not to confirm carried four to three.

Escrow Disbursement Orders

Upon recommendation of the Legal Section, the Commission unanimously issued 111 Escrow Disbursement Orders and 1 Order. A list of the Orders is attached to the official minutes.

New Commission Business

Appointment of Committee to Discuss Changes to Current Rules and Laws that Govern Real Estate

Chairman Sanchez suggested that a committee be appointed to discuss changes to current rules and laws governing real estate. Commissioner Veissi so moved. Vice-Chairman Hogan seconded. The motion carried unanimously.

Unlicensed Data Bank for Local Boards

Chairman Sanchez inquired about creating an unlicensed data bank that the local boards could refer in order to determine whether members should or should not have access to the Multiple Listing Service (MLS). Chairman Sanchez requested that the Florida Association of Realtors and the department explore providing a data bank of inactive licensees, not current, to cross reference with MLS. Commissioner Veissi stated if the licensee is not current then that is unlicensed activity. Ms. Thayer clarified that a licensee whose license is in an inactive status is still under the Commission's jurisdiction. Vice-Chairman Hogan stated that if the website was up-to-date it would be a very good vehicle to check on the status of licensees. Chairman Sanchez inquired as to how this could be coordinated to work with the local boards to develop procedures. Ms. Thayer stated that she would be the coordinator as it relates to technology within the department and making inquires as to what can be done. Chairman Sanchez asked Randy Schwartz, Counsel to the Florida Association of Realtors for his input. Mr. Schwartz stated that the Commission could relay this request to him and he would disburse it to the appropriate people. Chairman Sanchez understands that this process would not happen overnight.

Vice-Chairman Hogan requested an update as to the status of processing license status changes. Ms. Thayer encouraged that licensees use the portal because it is real-time. Commissioner Hornsleth expressed concerns that the licensee would not get a confirmation. Ms. Thayer explained that since it was real time the licensee would be able to see the change and get a print-out of the change.

Summary of Applicants

At approximately 3:00 p.m. Jan Dodd, 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 part of these minutes.

Consent Agenda

The Commission considered 303 applicants from the Summary of Applicants Consent Agenda, requiring 43 applicants from the Consent Agenda be scheduled to appear before it at a future meeting.

The Chairman recessed the meeting at approximately 8:20 p.m., July 19, 2005.

July 20, 2005

Chairman Guy P. Sanchez, Jr. reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:45 a.m., at Orlando, Florida, on this 20th day of July, 2005.

The following Commission members were in attendance: Chairman Guy P. Sanchez, Jr.; Vice-Chairman Nancy B. Hogan; Matey H. Veissi, Bob Beals; S. W. Ellis; James D. Varnado and Poul Hornsleth. The Chairman declared a quorum present. Ms. Barbara R. Edwards appeared as counsel for the Commission.

Department and Division staff present at the meeting: Andy Edwards, Deputy Secretary; Sharon Thayer, Deputy Director; Bennett M. Miller, Chief Attorney; Lori Crawford, Regulatory Supervisor/Consultant; Jeannie Adkinson, Regulatory Specialist III; Laurie A. Roessler-Solis, Regulatory Specialist II; Jan Dodd, Regulatory Specialist II. American Court Reporting (407-896-1813) provided court reporter services.

Commissioner Hornsleth made a motion to commend former Director, Elizabeth P. Vieira, for her service and leadership to the Commission, Division and to the real estate profession. Commissioner Varnado seconded. Motion carried unanimously.

Summary of Applicants

At approximately 9:00 a.m. Jeannie Adkinson, Regulatory Specialist III, 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 part of these minutes.

Chairman's Remarks

Chairman Sanchez addressed Chief Attorney, Bennett Miller to inquire about whether applicants need to have an actual physical address or if a P.O. Box is sufficient. Mr. Miller responded that he will look into it. The Commission decided to have their committee look into the making of a rule.

Adjournment

There being no further business and no objection, the Chairman adjourned the meeting at approximately 5:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for August 16 and 17, 2005, at the Division Headquarters in Orlando, Florida.

Guy P. Sanchez, Jr.
Chairman

Michael E. Murphy
Acting Director, Division of Real Estate

Respectfully submitted,

Laurie A. Roessler-Solis

Lori Crawford