



**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
November 15 and 16, 2005
Meeting**

Chairman Nancy B. Hogan called the meeting of the Florida Real Estate Commission to order, at approximately 8:40 a.m., at Orlando, Florida, on this 15th day of November, 2005.

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

Department and Division staff present at the meeting: Simone Marstiller, Secretary; Dennis Yecke, Deputy Secretary; Carmela Davis, Director of Division of Service Operations; Michael E. Murphy, Acting Division Director; Sharon Thayer, Deputy Director; Bennett M. Miller, Chief Attorney; Kathleen Koeberich, Bureau Chief of Enforcement; James P. Harwood, Alpheus C. Parsons, Stacy Robinson Pierce, Alfonso Santana and Shiv Persaud, Senior Attorneys; David Guerdan and Fred Clanton, Investigator Supervisors; Fred Seli, OPS Supervisor for Unlicensed Activity; JoEllen Peacock, Education Coordinator; Lori Crawford, Regulatory Supervisor/Consultant; Jeannie Adkinson, Regulatory Specialist III; Laurie A. Roessler-Solis, Regulatory Specialist II; Jan Dodd, Regulatory Specialist II. The following law externs from Florida A & M University were also in attendance: Jason Moussa, Zaida Rolon-King, Indira Toolsie and Michele Valazquez. American Court Reporting, Inc. (407-896-1813) provided court reporter services.

Approval of the Minutes

The Commission unanimously approved the Minutes of the October 20 and 21, 2005, General Meeting, as written.

Comments from Secretary Martsiller

Chairman Hogan welcomed Secretary Simone Marstiller. Secretary Marstiller thanked Ms. Hogan and stated that it was her pleasure to attend the meeting. Secretary Marstiller was delighted to see FAMU externs observing and participating in these proceedings and expressed her appreciation in allowing the externs to get practical experience.

Secretary Marstiller reported the recent improvements of the various operations of the Department and Division and noted that the electronic fingerprinting pilot would begin soon in a couple of areas in the state, with the goal of implementing the program statewide in early 2006. Secretary Marstiller also reported that Director Murphy and his team has worked very hard in developing a training program for the Commission to provide statutory

updates, information regarding the operations of the Department and Division and invited the Commission to ask many questions during the training session.

Secretary Marstiller introduced Director of Service Operations, Carmela Davis and Dennis Yecke as the newly appointed Deputy Secretary of Professional Regulation.

Deputy Secretary Yecke provided a brief summary of his background and professional experiences. Mr. Yecke stated that changes are forthcoming and asked the Commissioners for their patience and support. Mr. Yecke added that he would welcome the Commissioners' ideas how to better serve the licensees of the state and to protect the consumers and that he is looking forward to working with the Commission.

Chair Hogan asked Acting Director Murphy what effect would the electronic fingerprinting have on the percentage of cases being opened for obtaining a license by means of fraud. Mr. Murphy stated that this program would shift the workload from the disciplinary cases to the front-end of the application process, which would allow the investigators to concentrate on other areas of licensure law violations to better protect the consumer and the profession.

Commissioner Hornsleth inquired about comparing the sexual predator list with the licensee database. Mr. Murphy reported that the Department and the Division is determining how best to address concerns that have arisen and will continue to explore the issue.

Legal Matters

At approximately 9:00 a.m., the Commission addressed the Legal Agenda, consisting of 22 items. The Commission heard 18 items, continued 2 and withdrew 2. The Commission's decisions on these matters are attached to the official minutes maintained at the Division of Real Estate headquarters.

Petition for Declaratory Statement Regarding 475.01(a), Florida Statutes, received from Timothy A. Smith, Esquire on behalf of Southridge Partners I

Counsel Asbell asked the Commission to address the Petition for Declaratory Statement regarding Section 475.01(a), Florida Statutes. Mr. Timothy A. Smith, Attorney for Petitioners, presented his client's position and summarized the petition. Mr. Asbell recommended the Commission dismiss the request without an opinion because the petition does not state with particularity the Petitioner's circumstances and is technically deficient. Commissioner Hornsleth moved to dismiss the Declaratory Statement without an opinion. Vice-Chair Ellis seconded the motion. Motion carried.

Escrow Disbursement Orders

Upon recommendation of the Legal Section, the Commission unanimously issued 73 Escrow Disbursement Orders and 2 Orders. A list of the Orders is attached to the official minutes.

Recovery Fund Claim

Senior Attorney, Joseph A. Solla, presented Recovery Fund Claim styled Gloria Grasmick v. Pat Suarez, Case Number RFC 2004023981. Chairman Hogan moved to deny payment from the recovery fund. Commissioner Hornsleth seconded. The motion carried unanimously. A copy of the Commission's decision on this matter is attached to the official minutes.

Unlicensed Activity Report

Bureau Chief of Enforcement, Kathleen Koeberich, reported that all of the unlicensed activity advertisements have run at least once in each of the magazines under contract. The Division is still negotiating with Homes & Land of Pensacola, however, Tallahassee Homes & Land has not responded.

OPS Supervisor, Fred Seli, presented the monthly report regarding unlicensed activity and addressed several questions from the Commissioners.

Division of Service Operations Report

Director Carmela Davis, Division of Service Operations (DSO), reported that she has assessed concerns relating to DSO's business processes. Ms. Davis provided a brief outline of solutions to address the issues. Ms. Davis explained that the Department has implemented a "Core Team" concept, to better share and disseminate information between the Bureaus and the Divisions. Ms. Davis added that the "Core Team" objective is to be visible so that everyone can see what we are doing and to ensure improvement of customer service.

Chairman Hogan expressed her concern that the report does not provide any target dates or action plans. Ms. Davis stated she would provide that information to the Commissioners. The Commissioners had several concerns with several issues. Ms. Davis and Secretary Marstiller stated they are currently working on many of these issues.

Request for Limited Mutual Recognition received from Connecticut

The Chairman opened discussion of the Mutual Recognition request from Connecticut. Exam Development Supervisor Alex Bosque entertained several questions and comments from the Commissioners. Mr. Bosque provided a brief summary of the findings stating they found the Connecticut model was comparable to Florida and was confident with the overall findings. Commissioner Hornsleth moved to approve proceeding with a Mutual Recognition Agreement with the State of Connecticut. Commissioner Veissi seconded the motion. The motion carried unanimously.

Ratification of Suspended License

Chairman Hogan requested that the Commission ratify the reinstatement of real estate license of Bill Hansen, who has met the requirements for reinstatement. The Commission ratified the actions unanimously.

Consent Agenda

The Commission considered 225 applicants from the Summary of Applicants Consent Agenda, requiring 18 applicants from the Consent Agenda to appear at a future meeting.

Summary of Applicants

At approximately 3:40 p.m. Jan Dodd, Regulatory Specialist II, presented the Summary of Applicants requesting to sit for the real estate examination. The Commission orders on these matters are attached hereto and made part of these minutes.

The Chair recessed the meeting at approximately 6:15 p.m., November 15, 2005.

November 16, 2005

Chairman Nancy B. Hogan reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., at Orlando, Florida, on this 16th day of November, 2005.

The following Commission members were in attendance: Chairman Nancy B. Hogan; Vice-Chairman S. W. Ellis; Matey H. Veissi, Poul Hornsleth, Bob Beals and James D. Varnado. The Chairman declared a quorum present. Mr. Gary Asbell appeared as counsel for the Commission.

Department and Division staff present at the meeting: Carmela Davis, Director of Service Operations; Michael E. Murphy, Acting Division Director; Sharon Thayer, Deputy Director; Bennett M. Miller, Chief Attorney; Kathleen Koeberich, Bureau Chief of Enforcement; Lori Crawford, Regulatory Supervisor/Consultant; JoEllen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III; Laurie A. Roessler-Solis, Regulatory Specialist II; Jan Dodd, Regulatory Specialist II; and American Court Reporting (407-896-1813) provided court reporter services.

Summary of Applicants

At approximately 8:40 a.m. Jeannie Adkinson, Regulatory Specialist III, presented the Summary of Applicants requesting to sit for the real estate examination. The Commission orders on these matters are attached hereto and made part of these minutes.

Other matters discussed

Chairman Hogan stated she asked Mr. Murphy to invite the newly appointed Director of the Office of Legislative Affairs, John McBride, to attend a Commission meeting to discuss legislative issues. Ms. Hogan requested the Commissioners think about legislative topics they would like to present to Mr. McBride.

Adjournment

There being no further business and no objection, the Chairman adjourned the meeting at approximately 3:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for December 13 and 14, 2005, at the Division Headquarters in Orlando, Florida.

Nancy B. Hogan
Chairman

Michael E. Murphy
Acting Director, Division of Real Estate

Respectfully submitted,

Lori L. Crawford
Deputy Clerk, FREC