



**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
April 18 and 19, 2006  
Meeting**

Chairman Nancy B. Hogan called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., at Orlando, Florida, on this 18<sup>th</sup> day of April, 2006.

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, Marylin Guevara, Bob Beals and James Varnado. The Chairman declared a quorum present. Ms. Cathy Lannon, Senior Assistant Attorney General and Tom Barnhart, Assistant Attorney General, appeared as counsel for the Commission.

Division staff present at the meeting: Michael E. Murphy, Division Director; Bennett M. Miller, Chief Attorney; Kathleen Koeberich, Bureau Chief of Enforcement; Bob Blaesser, James P. Harwood, Shiv Persaud, Stacy Robinson Pierce and Joseph Solla, Senior Attorneys; Fred Seli, OPS Supervisor for Unlicensed Activity; JoEllen Peacock, Education Coordinator; Lori Crawford, Regulatory Supervisor/Consultant; Lorraine Przemlewski, Regulatory Supervisor/Consultant; Jeannie Adkinson, Regulatory Specialist III; Janis Dodd, Regulatory Specialist II. American Court Reporting, Inc. (407-896-1813) provided court reporter services.

**Approval of the Minutes**

The Commission unanimously approved the Minutes of the March 13, 2006, Education & Research Foundation Workshop, as written.

The Commission unanimously approved the Minutes of the March 14 and 15, 2006, General Meeting, as written.

**Legal Docket**

At approximately 8:35 a.m., the Commission addressed the Legal Agenda, consisting of 19 docket items. The Commission considered 16 docket items. The Commission approved the continuance of 1 docket item. The Division withdrew 2 docket items. The Commission's decisions on these matters are attached to the official minutes maintained at the Division of Real Estate headquarters.

**Escrow Disbursement Orders**

Upon recommendation of the Legal Section, the Commission unanimously issued 133 Escrow Disbursement Orders and 4 Orders. A list of the Orders is attached to the official minutes.

### **Recovery Fund Claim**

Senior Attorney, Joseph A. Solla, presented the Division of Administrative Hearings, Administrative Law Judge's Recommended Order regarding the Recovery Fund Claim styled Robert Meller, Jr. and Kristine M. Meller v. Revonda Cross and Department of Business and Professional Regulation, Case Number RFC 2002012997; DOAH Case No. 05-3275. Mr. Solla stated that the Commission's decision was appealed and reversed based on the fact that the claimant was entitled to a formal hearing on the issue whether the property was licensed under Chapter 509, *Florida Statutes*. Mr. Solla stated the case was referred to the DOAH and the Administrative Law Judge (ALJ) concluded that the property was listed under Chapter 509. No exceptions were filed by either party. Commissioner Beals moved to rescind the Final Order, adopt the ALJ's Findings of Fact and Conclusions of Law and accept the Recommended Order to deny payment from the recovery fund. Commissioner Varnado 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 Investigations Kathleen Koeberich and Mr. Seli presented the monthly report regarding unlicensed activity. DRE staff addressed questions from the Commissioners.

### **Chair and Vice-Chair Elections**

Commissioner Beals stated that he has been unable to find any reference addressing when the Chair and Vice-Chair should be elected, however, he wanted to withdraw this topic from the agenda. Chairman Hogan asked Commissioner Veissi to provide insight since she has been on the Commission the longest. Commissioner Veissi responded that the elections were generally held in October in relation to the conclusion of the term of the Commissioners. Chief Attorney Miller stated that the Commission may want to conduct a workshop to amend Rule 61J2-20.040, Florida Administrative Code to specifically address elections. Commissioner Beals requested this topic be addressed under rulemaking. Ms. Lannon stated that Mr. Barnhart will handle this as FREC Counsel.

### **Petition for Declaratory Statement**

FREC Counsel Barnhart presented the Petition for Declaratory Statement regarding Section 475.452, *Florida Statutes*, received from Mr. Tomas A. Jimenez, Jr. and requested the Commission address the Petition. Mr. Jimenez presented his position and summarized the petition. The Commissioners considered Mr. Jimenez' petition and concluded that a flat fee collected for services is considered to be an advance fee subject to the requirements of Section 475.452, Florida Statutes.

### **Consent Agenda**

The Commission considered 209 applicants from the Summary of Applicants Consent Agenda, requiring 31 applicants from the Consent Agenda to appear at a future meeting.

### **Summary of Applicants**

At approximately 1:30 p.m. Janis 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.

### **Public Comments**

Mr. Perry Johannesburg requested to discuss several issues including: regulation of schools out side of Florida specifically relating to online courses; pre-licensing courses not expiring; CE school reporting requirements; post license renewals; and Promissor testing center activities. The Commission and the Director responded to Mr. Johannesburg's questions.

The Chair recessed the meeting at approximately 6:30 p.m., April 18, 2006.

### **April 19, 2006**

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 19<sup>th</sup> day of April, 2006.

The following Commission members were in attendance: Chairman Nancy B. Hogan; Vice-Chairman S. W. Ellis; Matey H. Veissi, Poul Hornsleth, Marilyn Guevara, Bob Beals and James Varnado. The Chairman declared a quorum present. Ms. Cathy Lannon, Senior Assistant Attorney General and Tom Barnhart, Assistant Attorney General, appeared as counsel for the Commission.

Department and Division staff present at the meeting: Michael E. Murphy, Division Director; Bennett M. Miller, Chief Attorney; Kathleen Koeberich, Bureau Chief of Enforcement; Jeannie Adkinson, Regulatory Specialist III; Jan Dodd, Regulatory Specialist II; Lori Crawford, Regulatory Supervisor/Consultant. 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**

FREC Counsel Lannon inquired whether the Commission would consider discussing common allegations brought before the probable panel in an effort to promote consistency relative to the FREC's position. Chairman Hogan suggested scheduling a general workshop to discuss this and various other topics. The Commissioners unanimously agreed.

Director Murphy reported that the Division Licensing Section has made great strides in bringing current the review of affirmative answer applications and certification history requests, giving special recognition to Jeannie Adkinson and Janis Dodd. Mr. Murphy further reported that the new warehouse facility is completed and that the Division is currently in the process of moving and organizing the files.

**Adjournment**

There being no further business and no objection, the Chairman adjourned the meeting at approximately 3:30 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for May 16 and 17, 2006, at the Division Headquarters in Orlando, Florida.

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Nancy B. Hogan  
Chairman

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Michael E. Murphy  
Director, Division of Real Estate

Respectfully submitted,

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Lori L. Crawford  
Deputy Clerk, FREC  
Regulatory Supervisor/Consultant