



**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
February 14 and 15, 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 14<sup>th</sup> day of February, 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 and James Varnado. Commissioner Beals was excused. The Chairman declared a quorum present. Mr. Gary Asbell appeared as counsel for the Commission.

Division staff present at the meeting: Michael E. Murphy, Division Director; Sharon Thayer, Deputy Director; Bennett M. Miller, Chief Attorney; Kathleen Koeberich, Bureau Chief of Enforcement; James P. Harwood, Joseph Solla, Alfonso Santana and Shiv Persaud, Senior Attorneys; Fred Clanton and David Guerdan, Investigator Supervisors; Fred Seli, OPS Supervisor for Unlicensed Activity; JoEllen Peacock, Education Coordinator; Lori Crawford, Regulatory Supervisor/Consultant; Jocelyn Pomales, 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 January 17 and 18, 2006, General Meeting, as amended.

**Legal Docket**

At approximately 8:35 a.m., the Commission addressed the Legal Agenda, consisting of 20 items. The Commission considered 16 items. The Division withdrew 3 docket numbers and continued 1 docket number. The Commission's decisions on these matters are attached to the official minutes maintained at the Division of Real Estate headquarters.

**Unlicensed Activity Report**

Mr. Seli presented the monthly report regarding unlicensed activity. Upon Commission inquiry, Mr. Murphy summarized the standard procedures in filing an unlicensed activity complaint with the Department. Mr. Murphy stated that the minimum duties for the 1-800 line are to gather information. Ms. Koeberich advised that 455.225(1), *Florida Statutes*, states the complaints must be made in writing and signed, however, if the complaint is egregious enough and there is a great risk for public harm the Division would move on it immediately. DRE staff addressed additional questions from the Commissioners. Mr. Murphy advised the Commission that the Division will do everything

we can to help the individual by taking the information or facilitate filing the complaint, however, the Division must comply with the requirements of Chapter 455, *Florida Statutes*.

Commissioner Hornsleth inquired about the Department's progress in encouraging the State Attorney's Office to pursue prosecuting unlicensed activity. Mr. Murphy stated Ms. Tamayo is facilitating outreach presentations directed to State Attorney's offices. The Division's investigators will continue to facilitate a partnership, with the State Attorney offices statewide, in an effort to increase State Attorney Office prosecutions.

Chairman Hogan addressed the issue of creating a list of activities an unlicensed assistant may perform. Chairman Hogan stated that it is her understanding that it is the position of the Department and FREC Counsel that the Commission does not have the authority to approve a list. Director Murphy stated an approved list would be subject to interpretation and there are many variances.

Ms. Linda Crawford, real estate educator, stated the unlicensed activity list was developed in a FREC meeting and approved by the Commission and as a result, the list has been used as a guide in real estate literature and in real estate offices. Ms. Crawford further stated it is difficult for educators to discuss what constitutes unlicensed activity and what activities are permissible.

Mr. Ray Glynn, real estate broker, asked the Commission to research as he believes the Commission has authority to create a list of activities an unlicensed assistant may perform. He further suggested the list identify what activities the assistants may not perform in lieu of what the assistant may perform. FREC Counsel Gary Asbell responded he would research this issue and report next month.

### **Escrow Disbursement Orders**

Upon recommendation of the Legal Section, the Commission unanimously issued 132 Escrow Disbursement Orders (No. 101 as amended) and 4 Orders. A list of the Orders is attached to the official minutes.

### **FREC Meeting Conduct Guidelines**

FREC Counsel Gary Asbell provided rule language reflecting changes discussed at the last meeting for the Commission's approval. The Commission approved the modifications as presented by Mr. Asbell. Mr. Asbell stated that he will modify guidelines for review in March.

### **Education Trust Fund Proposals for FY2006-07**

Director Murphy reported the Department is prepared to assist the Commission to identify a program for the Education & Research Foundation Trust Fund for the 2006-07 Fiscal Year, and requested the Commission begin entertaining ideas of how this initiative should be targeted and to set a meeting within the next thirty to sixty days to identify programmatically how the Commission would like to invest the trust funds.

Chairman Hogan cautioned the Commission to look at the actual purpose and objective of the Foundation when contemplating creative ideas. Commissioner Veissi asked what amount could be utilized from the trust fund. Director Murphy stated he would find out and provide the answer.

Chairman Hogan requested the Division set up a public workshop to discuss developing a program plan for any of the Commissioners who are interested in attending. Mr. Murphy stated that he would facilitate the workshop process and if the Commission would identify the topics of concern he would present them to the budget office for the next fiscal year. Commissioner Varnado moved to set a workshop. Commissioner Veissi seconded the motion. Commissioner Veissi moved to schedule the meeting for Monday, March 13, 2006, 1:00 p.m. Vice-Chairman Ellis seconded. Motion carried. Mr. Murphy stated he would move forward with this directive.

### **Education Trust Fund Proposals for FY2005-06**

Director Murphy provided an update of the scholarship program facilitated by Communities In Schools of Putnam County, Inc. (CISPCI). Upon inquiry from Vice-Chairman Ellis, Mr. Murphy explained that CISPCI is the current provider responsible for outreach with the appropriate universities and other education providers in the state of Florida. Mr. Murphy reported the deadline was February 3, 2006, for the fall semester and the provider had received 15 requests, which are being evaluated for approval.

Mr. Murphy stated that in addition to assessing the outreach program the Department is evaluating the services of CSPCI to ensure it meets the expectations and desires of the Commission. He added that the Department is looking at the evaluation form used by the vendor to determine whether or not it complies with all aspects of the contract. Mr. Murphy reported that eight students have submitted paperwork for reimbursement for the 2006 spring semester. He stated he would provide a report at a subsequent meeting, prior to the conclusion of the current contract, which ends in June 2006.

### **Provider and Course Approval Process**

Mr. Murphy requested the Commission re-delegate authority to the Director of the Division of Real Estate, to approve education courses and course providers, upon the Bureau of Education review and recommendation. Mr. Murphy stated he would present the recommendations for denial to the Commission for the action. Commissioner Varnado moved to approve the delegation of authority to the Department to evaluate and approve courses and course providers and to delegate approval authority to the Division Director. Commissioner Veissi seconded the motion. The motion carried unanimously.

### **Other Matters**

Chairman Hogan addressed the issue of requiring the applicant provide proof of having a high school diploma or its equivalency with the application. Upon conclusion of the discussion the Commission took no action.

Commissioner Hornsleth moved to recognize and commend Senior Attorney Alpheus Parsons for his contributions to the State of Florida and the real estate industry. Commissioner Veissi seconded the motion. The motion carried unanimously.

Commissioner Veissi stated she believes some of the online forms are not easy to understand and asked Director Murphy to possibly amend the forms or provide more detailed instructions with the form. Mr. Murphy stated he would relay her concerns to the Department and would address ways to make the forms more user-friendly and intuitive.

Chairman Hogan and Vice-Chairman Ellis identified two concerns they have received from licensees relating to the processing time of license maintenance forms and licensure history certifications. Mr. Murphy stated these business processes, and others, are at the forefront of Director Davis's agenda to improve the efficiency of Service Operations.

### **Consent Agenda**

The Commission considered 204 applicants from the Summary of Applicants Consent Agenda, requiring 36 applicants from the Consent Agenda to appear at a future meeting.

The Chair recessed the meeting at approximately 1:15 p.m., February 14, 2006.

### **February 15, 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 15<sup>th</sup> day of February, 2006.

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

Department and Division staff present at the meeting: Michael E. Murphy, Division Director; Sharon Thayer, Deputy Director; Bennett M. Miller, Chief Attorney; Kathleen Koeberich, Bureau Chief of Enforcement; David Guerdan, Investigator Supervisor; JoEllen Peacock, Education Coordinator; 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.

**Adjournment**

There being no further business and no objection, the Chairman adjourned the meeting at approximately 4:15 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for March 14 and 15, 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