



**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
January 17 and 18, 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 17th day of January, 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. Mr. Gary Asbell appeared as counsel for the Commission. Attorney General Catherine Lannon was also present.

Department and Division staff present at the meeting: General Counsel Josefina Tamayo; Carmela Davis, Director of Service Operation; Gus Ashoo, Bureau Chief of Education and Testing; Alicia Tookes, Bureau Chief of Central Intake and Licensure Unit; Debbie Roberts, Bureau Chief of the Customer Contact Center; 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, Alpheus C. Parsons, 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; Dan Combs, Examination Development Specialist; 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 December 13 and 14, 2005, General Meeting, as written.

Legal Matters

Legal Docket

At approximately 8:40 a.m., the Commission addressed the Legal Agenda, consisting of 31 items. The Commission considered 37 items. The Division withdrew 4 docket numbers. 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 141 Escrow Disbursement Orders and 3 Orders, excluding number 63. A list of the Orders is attached to the official minutes.

Recovery Fund Claim

Senior Attorney, Joseph A. Solla, presented Recovery Fund Claim styled Luis A. Diaz-Martinez and Adriana Maria Diaz v. Henry Norman, Case Number RFC 2005042226. Commissioner Varnado moved to approve payment from the recovery fund in the amount of \$24,521.72. Commissioner Veissi seconded. The motion carried unanimously. A copy of the Commission's decision on this matter is attached to the official minutes.

Senior Attorney, Joseph A. Solla, presented Recovery Fund Claim styled Anthony Mastrianni v. Frank C. Pollara, Case Number RFC 2005042166. Commissioner Hornsleth moved to approve payment from the recovery fund in the amount of \$50,000.00. Commissioner Varnado seconded. The motion carried unanimously. A copy of the Commission's decision on this matter is attached to the official minutes.

Service Operations Update

Director Murphy introduced Director Carmela Davis, Division of Service Operations (DSO). Ms. Davis provided a summary of the status of the Division of Service Operation's accomplishments and improvement initiatives and distributed a report of the initiative and scheduled target dates of commencement/completion. Ms. Davis stated that the Division has hired two new Bureau Chiefs, Alicia Tookes, Bureau Chief of Central Intake and Licensure Unit and Debbie Roberts, Bureau Chief of the Customer Contact Center. Further, Ms. Davis reported DSO is meeting with the Division of Real Estate on a recurring basis to identify and keep the issues on task and to ensure that the Bureau Chiefs and the core team are aware of the issues and to be able to provide routine and reoccurring reports to the Commission of DSO's progress. Ms. Davis addressed several questions from the Commission.

Bureau Chief Debbie Roberts, Customer Contact Center (CCC), reported they have identified inconsistencies in information disseminated by call agents due to using various sources of information. Ms. Roberts stated the CCC has implemented new business processes and improving training methods to improve service. Director Murphy added that previously there were four teams which acted independently and that process has changed.

Ms. Davis introduced Bureau Chief of Central Intake, Alicia Tookes, to present her report regarding the Central Intake Unit. Ms. Tookes provided a report of business process changes implemented and reported that the web application is currently undergoing a systems fix to allow the applicant to enter more characters and direct them to a form should they need to provide additional information. Ms. Tookes stated that web applications are not downloading and a solution is forthcoming.

Chairman Hogan expressed concerns that the web site is not credible, which is the number one tool to check licenses. Director Murphy stated that the Department is working

on ways to remedy this issue. Mr. Murphy added that 98% of licensees renew online but only 1% are submitting online license maintenance transactions. Chairman Hogan stated the Department would not be able to start a campaign until the Department has a credible site in the eyes of the public. Mr. Murphy stated that we are spending more time working with individuals to help them see how easy it is to work through online license maintenance with very positive results.

Mr. Dick Fryer, IFREC, stated as a broker he could hire on-line, however, he is unable to add or delete employees through the real estate school. Director Murphy responded that there is a help ticket to address this issue.

Mr. Murphy reported that the OPPAGA results reflected that that two thirds of the people surveyed were satisfied, and the Secretary is focusing on the 33% that were not happy with the service, thus Ms. Davis and her team is looking at this very seriously. Chairman Hogan was hoping that the report looked at the Department as a whole, including the shortage of investigators, as the funds are there, however, there are fewer investigators now than when the profession was less populated. Mr. Murphy stated that the OPPAGA report looked at the Division of Service Operations (which does not include investigators) and the effectiveness of the entire project as it relates to the Department, including areas which need improvement. In response to Chairman Hogan's inquiry, he stated the Department is requesting more investigators during this legislative session.

Bureau Chief Debbie Roberts, reported on the initial customer satisfaction survey Ms. Roberts stated that we have since conducted two internal separate surveys which also appear at the bottom of the survey and reported the overall the ratings were adequate. Ms. Roberts further added that CIU is participating in conjunction with the Inspector General's office as a part of OPPAGA's follow-up and a copy of the results will be provided to the Commission.

Unlicensed Activity Report

Bureau Chief of Enforcement, Kathleen Koeberich, reported that the unlicensed activity toll-free number is up and operating and the advertisements have been updated with the toll-free number. Mr. Seli presented the monthly report regarding unlicensed activity and addressed several questions from the Commissioners.

FREC Meeting Conduct Guidelines

FREC Counsel Gary Asbell stated that he reviewed the guidelines and it is his opinion that the Commission does have the ability to require certain standards to receive attendance credit for Final Order compliance. Mr. Asbell stated that he will slightly modify guidelines for review at the next meeting and to discuss possibly incorporating these guidelines into the rules under disciplinary guidelines.

Fee Holiday Update

Director Murphy reported that the Special Counsel to the Secretary, Michael Martinez, is working on the language for rule change for the fee holiday and the Department is proceeding forward with September 2006 as the target for the first affected renewal

period. Mr. Murphy stated that he would continue to monitor the progress. Mr. Murphy assured the Commission that the Fee Holiday would in no way impact on the operation of the Division and Department as far as meeting service needs of customers or funding additional positions the Department is requesting on behalf of the Division.

Ratification of Suspended Licenses

Chairman Hogan requested that the Commission ratify the reinstatement of real estate licenses of Philomena Gregorian and Fred Stickroot, who have met the requirements for reinstatement. The Commission ratified the actions unanimously.

Request for Approval of Physical Disability Hardship Extensions

Director Murphy presented eight licensees who have requested a 6-month extension due to a physical hardship. Commissioner Hornsleth moved to approve eight requests for a 6-month extension to complete the post-licensure education. Commissioner Veissi seconded the motion. The motion carried unanimously. A list of the licensees is attached to the official minutes.

Correspondence

FREC Counsel Gary Asbell presented correspondence from Patrick Emrich requesting clarification concerning record keeping requirements set for in Section 475.5015, Florida Statutes. Mr. Asbell advised the Commissioners that there is no duty that the Commission consider this matter or to provide an official opinion. The Commission did not provide an opinion.

FREC Counsel Gary Asbell presented correspondence from Dennis A. Voith requesting assistance relating to real estate licensees doing business in his gated community. Mr. Asbell stated that this is not an issue the Commission should address. The Commission requested that Mr. Asbell respond to Mr. Voith and advise him to contact the Florida Association of Realtors to make a complaint. Mr. Asbell stated he would send a letter as directed.

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.

Other Matters

Commissioner Hornsleth inquired about the progress of developing a sexual offender/predator list compared with the FBI sexual offender/predator list. General counsel Josefina Tamayo stated the Department web site has added a link which directs the viewer to the FBI sexual predator list. Chairman Hogan stated that list is based on zip code. An audience member inquired why the onus is on the Department and not on the applicant. Mr. Murphy stated that no one disagrees that this is a crucial issue and we are trying to find ways within our legal authority to accomplish this safeguard, the link is on the web and is

searchable in a number of ways and beginning July 1, 2006, the Department will have the statutorily mandated electronic fingerprinting in place, and the criminal history information will be available within three to six days. Chairman Hogan stated as this problem has become very public, she would like the Department and Commission to be proactive. Mr. Murphy responded that the Department is a public organization and therefore it does not have the same flexibility as a private organization. Commissioner Varnado stated the Department must have specific authority and the Commissioners must tread carefully as to what we task the agency to perform. Commissioner Veissi stated that she believes the burden is on the applicant, not on the Department or Commission, and that it is the Commission's duty to protect to the public within the parameters of the law. Commissioner Veissi suggested adding a line in the application to inquire whether the applicant is a sexual offender/predator. Commissioner Hornsleth moved that the Division research this issue and provide suggested notification language to the application. Commissioner Varnado seconded the application. Mr. Miller stated that he would research this issue further in conference with Mr. Asbell. The Commission tabled this topic to a future meeting.

Mr. Asbell asked the Commission to address delegating to Mr. Murphy and his staff, the authority to grant hardship extensions not subject to the Commission's ratification and to reinstate a suspended license subject to the Commission's ratification. Commissioner Varnado moved to give the Division the authority to grant hardship extensions without the requirement of ratification and reinstate suspended licenses subject to Commission ratification. Commissioner Veissi seconded the motion. The motion carried unanimously.

Commission Member Training

Director Murphy explained that Secretary Marstiller asked the Division to develop training and provide to the Commission, which pulls together a number of subjects and then provides this information we written a lesson plan with examples and document. It provides training to new Commission members and refreshes seasoned members and it is an update for things that have happened recently. Mr. Murphy stated it would take approximately 90 to 120 minutes to complete. The Commission requested this be tabled and rescheduled for February 13, 2006, at 3:30 p.m.

The Chair recessed the meeting at approximately 4:30 p.m., January 17, 2006.

January 18, 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 18th day of January, 2006.

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. Mr. Gary Asbell appeared as counsel for the Commission. Attorney General Catherine Lannon was also present.

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 February 14 and 15, 2006, at the Division Headquarters in Orlando, Florida.

Nancy B. Hogan
Chairman

Michael E. Murphy
Director, Division of Real Estate

Respectfully submitted,

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