



**Minutes of  
THE FLORIDA REAL ESTATE COMMISSION  
May 16 and 17, 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 16<sup>th</sup> day of May, 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, Poul Hornsleth, Marylin Guevara, Bob Beals and James Varnado. Commissioner Veissi was excused. 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: Josefina Tamayo, General Counsel; Michael Martinez, Deputy General Counsel; Michael E. Murphy, Division Director; Bennett M. Miller, Chief Attorney; Bob Blaesser, James P. Harwood, Shiv Persaud, Stacy Robinson Pierce and Joseph Solla, Senior Attorneys; Fred Clanton and David Guerdan, Investigative Supervisors; Fred Seli, OPS Supervisor for Unlicensed Activity; JoEllen Peacock, Education Coordinator; Lori Crawford and Lorraine Pzremelewski, Regulatory Supervisor/Consultants; Jeannie Adkinson, Regulatory Specialist III. American Court Reporting, Inc. (407-896-1813) provided court reporter services.

**Approval of the Minutes**

The Commission unanimously approved the Minutes of the April 17, 2006 and May 5, 2006, Education & Research Foundation Taskforce meetings, as written.

The Commission unanimously approved the Minutes of the April 18 and 19, 2006, General Meeting, as written.

**Legal Docket**

At approximately 8:35 a.m., the Commission addressed the Legal Agenda, consisting of 25 docket items. The Commission considered 18 docket items. The Commission approved the continuance of 7 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 119 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 the Recovery Fund Claim styled Vacation Clothing Exchanges, Inc. vs. Lichten and Department of Business and Professional Regulation, Case Number RFC 2005055843. Commissioner Beals moved to grant payment in the amount of \$36,875.52 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. Mr. Solla addressed questions from the Commission.

### **Unlicensed Activity Report**

OPS Supervisor for Unlicensed Activity, Fred Seli presented the monthly report regarding unlicensed activity. Mr. Seli presented a copy of the new "Report Unlicensed Activity" posters which have been distributed throughout the state. Mr. Seli advised the Commissioners to contact him should they wish to obtain some of these posters and he would be happy to provide them. DRE staff addressed questions from the Commission.

### **Bureau of Education and Testing Education Course Proposed Denial List**

Director Murphy presented to the Commission for consideration for denial of the continuing education course titled "Landlord – Tenant Law: Beyond the Basics". Commissioner Hornsleth moved to deny the education course. Commissioner Guevara seconded the motion. The motion carried unanimously.

### **Pennsylvania Mutual Recognition Request**

FREC Counsel Tom Barnhart presented a rough draft of the agreement received from Pennsylvania for discussion. Mr. Barnhart and DRE staff addressed questions from the Commission. Commissioners tabled this topic by unanimous vote.

### **Connecticut Mutual Recognition Request**

Commissioners tabled this topic by unanimous vote.

### **Topics for Discussion at a FREC General Workshop Agenda and Tentative Date**

Chairman Hogan reported that the Commission suggested scheduling a general workshop to discuss various issues affecting the real estate industry. The following topics were offered; experience requirements for broker licenses; unlicensed assistants;

common allegations brought before the probable cause panel; policies and procedures regarding the election of the chairman and vice-chairman; and instructor qualifications and examinations.

Commissioner Varnado requested that the Commissioners have the opportunity to participate via teleconference. Director Murphy responded that the notice will include a provision to accommodate this request.

Director Murphy reported that he would be providing a table listing the initiatives for the Education & Research Foundation Taskforce meeting pursuant to Chairman Hogan's request. Chairman Hogan provided a brief report of the taskforce meetings held in April and May. Mr. Murphy inquired what the Commission's preferences would be for scheduling the Education & Research Foundation Taskforce meeting and the General Workshop. After discussion, the Commission agreed to schedule the Education & Research Foundation Taskforce meeting on Monday, June 19, 2006, beginning at 10:30 a.m. and the General Workshop on Thursday, June 22, 2006, beginning at 9:00 a.m.

### **Consent Agenda**

The Commission considered 233 applicants from the Summary of Applicants Consent Agenda, requiring 41 applicants from the Consent Agenda to appear at a future meeting.

The Chair recessed the meeting at approximately 1:00 p.m., May 16, 2006.

### **May 17, 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 17<sup>th</sup> day of May, 2006.

The following Commission members were in attendance: Chairman Nancy B. Hogan, Vice-Chairman S. W. Ellis, Poul Hornsleth, Marilyn Guevara, Bob Beals and James Varnado. Commissioner Veissi was excused. 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; 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**

Director Murphy provided the Division of Real Estate Licensure Production Report listing the information relating to license maintenance transactions processed in Tallahassee. Mr. Murphy addressed questions from the Commission.

The Commission thanked Mr. Miller for his services and wished him luck in his new endeavor. Mr. Miller reported that Mr. Harwood will be the Interim Acting Chief Attorney.

### **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 June 20 and 21, 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