

Charles W. Drago, Secretary

Charlie Crist, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
April 21 and 22, 2009
General Meeting**

Chair Ralph McCoig called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 21st day of April, 2009.

The following Commission members were in attendance: Chair Ralph McCoig, Vice-Chair Roger Enzor, Richard DeNapoli, Richard "Dick" Fryer, Poul Hornsleth, Michael Guju and John Ruffier. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Michelle Franckhauser, Systems Project Analyst; Thomas O'Bryant, Jr., Director and Executive Director; Juana C. Watkins, Deputy Director; James Harwood, Chief Attorney; Patrick Cunningham, Jennifer Blakeman, Jason Holtz, and Allison McDonald, Senior Attorneys; Denise Johnson, OMC II; Zack Hayhurst, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Approval of the Minutes

Commissioner Ruffier moved to approve the Minutes of the March 17 and 18, 2009, General Meeting, as written. Commissioner Guju seconded the motion. The motion carried unanimously.

Unlicensed Activity Report

Executive Director O'Bryant presented the Unlicensed Activity Report and the Enforcement Report and addressed questions from the Commissioners. Commissioner Fryer moved to accept the report. Commissioner Guju seconded the motion. The motion carried unanimously.

Rule Development Workshop

61J2-24.001 – Disciplinary Guidelines

Director O'Bryant stated that the Commission approved amendment of this rule in February 2008 to strike the language in (3)(x) in its entirety. The Commission reviewed the language and made no changes to its previously approved amendment. Director O'Bryant stated that

the Statement of Estimated Regulatory Costs would be presented to the Commission for their consideration next month.

Review and Consideration of the Real Estate Continuing Education Courses

Director O'Bryant presented the following continuing education courses for the Commission's consideration:

1. Essential Knowledge for Every Realtor – The Home Inspection Process

Commissioner Hornsleth moved to deny the continuing education course listed above as it does not comply with Section 475.182, *F.S.* Commissioner DeNapoli seconded the motion. The motion carried five to two.

2. Feng Shui for Realtors

Commissioner Hornsleth moved to deny the continuing education courses listed above as it does not comply with Section 475.182, *F.S.* Commissioner DeNapoli seconded the motion. The motion carried unanimously.

Informal Hearing Request – Real Estate Continuing Education Course

Certified Home Marketing Specialist, Positioning Properties to Compete in the Market

The Commission reviewed and considered this CE application course in November and issued a Notice of Intent to Deny. Applicant Martha Webb requested an informal hearing. Ms. Webb was present and offered additional materials in support of her request for approval of the course renewal. Commissioner Guju moved to vacate the prior Notice of Intent to Deny and approve renewal of the continuing education course. Commissioner Fryer seconded the motion. The motion carried unanimously.

Escrow Disbursement Orders

Senior Attorney Joe Solla presented 35 Escrow Disbursement Orders and 9 Orders for the Commission's consideration. Upon recommendation of the Legal Section, the Commission issued 35 Escrow Disbursement Orders and 9 Orders. Commissioner Hornsleth moved to approve the Legal Section recommendation. Commissioner Ruffier seconded the motion. The motion carried unanimously.

Recovery Fund Claim Final Order

DBPR Case No. 2008014719 – Charles and Alice Mosley v. Patricia Van Sandt. Mr. Solla presented this matter to the Commission. Neither the claimants nor the licensee were present. Mr. Solla stated that the claimant does not qualify to receive payment from the recovery fund and recommended the Commission deny the request. The Commission considered the facts and agreed that payment should be denied. Commissioner DeNapoli moved to deny payment. Vice-Chair Enzor seconded the motion. The motion carried unanimously.

Legal Docket

The Commission addressed the Legal Agenda, consisting of 36 docket items. The Commission considered 29 docket items and approved the continuance or withdrawal of 7 docket items. The Commission's decisions on these matters are attached hereto and made a part of these minutes.

OnBase Training for Commissioners

Director O'Bryant introduced Systems Project Analyst Michelle Franckhauser who was here to provide training and computers to the Commissioners and FREC Counsel. Director O'Bryant provided a brief summary of the events leading up to the FREC meetings going paperless stating that the department handles millions and millions of pieces of paper every year. To comply with Governor Crist's challenge and Going Green initiative, the FREC is also improving processes and saving money by going paperless and receiving the agenda materials in an electronic format. Currently, cases are being dealt with electronically and as a natural progression to move forward with the entire process, the Division has been working with a private vendor and the Division of Technology to bring the FREC on board in an effort to make the monthly meetings paperless as well. Director O'Bryant also wanted to thank Deputy Director Watkins and her staff for their team effort and assistance in initializing the process for the Division and the Commission.

Systems Project Analyst Michelle Franckhauser provided instructions to the Commissioners on operating the computers assigned to them and demonstrated how to navigate through the electronic agenda. The Commission thanked Ms. Franckhauser for her instruction and demonstration.

Consent Agenda

The Commission considered 32 applicants from the Consent Agenda and required 15 applicants to appear at a future meeting

Commissioners requested clarification of Sections 455.213, 455.228(2) and 475.182, *F.S.*

There being no further business and no objection, the Chair adjourned the meeting at approximately 4:15 p.m.

April 22, 2009

Chair Ralph McCoig reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 18th day of March, 2009.

The following Commission members were in attendance: Chair Ralph McCoig, Vice-Chair Roger Enzor, Richard DeNapoli, Richard "Dick" Fryer, Poul Hornsleth, Michael Guju and John Ruffier. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Division staff present at the meeting: Thomas O'Bryant, Jr., Director and Executive Director; Juana C. Watkins, Deputy Director; Patrick Cunningham, Senior Attorney; Denise Johnson OMC II; Jeannie Adkinson, Regulatory Specialist III; Zack Hayhurst, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Director O'Bryant advised the Commissioners that next month the Summary of Applicants format will change to an excel format to accommodate the new process.

Denise Johnson, OMC II, presented 39 Summary of Applicants requesting to sit for the real estate examination.

Executive Director's Comments

Legislative Budget Request (LBR) – Budget requests generally are submitted in the month of July. The next budget request submission will be for FY 2010/2011. There has been no indication when the results of the LBR for FY 2009/2010 will be out, however any information relating to the current LBR will not be released until session is completed. The 2010/2011 FY LBR for FY 2010/2011 will not be developed until the results of the LBR for FY 2009/2010 are received.

Instructor CE Seminars – Scheduled for July 27, 2009, in Jacksonville at Florida Community College; July 29, 2009, in Sarasota at Manatee Community College; August 6, 2009, in Palm Beach Gardens at Palm Beach Community College; and September 4, 2009 in Sanford at Seminole Community College. These dates conclude the 7 instructor CE seminars for this renewal cycle.

Commission Remarks

The Commission wished Senior Attorney Jason Holtz luck in his future endeavors.

The Commissioners asked everyone to keep Attorney James Mitchell, Baker & Hostetler, in their prayers for a successful recovery.

Commissioner Fryer reported that he has been appointed to the Presidential Advisor Group (PAG) by the President of FAR, together with former Commissioner Matey Veissi. Commissioner Fryer stated that he is looking forward to serving on this committee, including but not limited to the challenge of addressing real estate experience requirements as the last time the requirements were addressed was in 1984. Director O'Bryant stated that the Division has had several discussions with FAR regarding its efforts of full disclosure and certainly can understand where they are coming from. The Division is currently in discussion with the University of Central Florida to solicit their help in the development of practical experience courses on the appraisal side. In response to that, Commissioner Fryer stated he would be happy to carry the Division's ideas to the PAG for discussion. Secondly, and added that on the appraiser side, there is language in 475 Part II that could be tracked into Part I relating to the transaction logs. Several Commissioners weighed in on this issue.

Vice-Chair Enzor reported on the Legislative Days stating that FAR leadership arranged for a tour of the CIU and CCC. Vice-Chair Enzor further reported that the Department has made significant improvements in the work environment. He further reported that the call wait time went from 30 minutes to 3 minutes and added that he was particularly pleased with the progress.

Chair McCoig stated that at previous meetings, there have been discussions regarding a training manual for the Commissioners. Director O'Bryant reported that the manuals and PowerPoint presentation is complete and the Commission training will be scheduled for June or July.

Chair McCoig congratulated Commissioner Hornsleth on the great honor of having a park in Gulfport named after his wife's family.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 1:10 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for May 19 and 20, 2009, in Orlando, Florida.

Ralph McCoig, Chair
Florida Real Estate Commission

Thomas W. O'Bryant, Jr.,
Executive Director
Florida Real Estate Commission

Respectfully submitted,

Lori L. Crawford
Deputy Clerk