

**Regulatory Council for  
Community Association Managers**

Rosen Plaza Hotel  
9700 International Drive  
Orlando, Florida 32819-8114  
Friday, February 8, 2008 @ 10:30 A.M. EST.

**CALL TO ORDER**

The meeting was called to order at 10:30 a.m. by Mr. Millard H. "Chris" Brown, Council Chair. The meeting was opened with the roll call and a quorum was established.

**ROLL CALL** (Council Members Present)

Chris Brown, Chair  
Steven Czonstka  
Debra Glass  
Mark Benson

**STAFF PRESENT**

Anthony B. "Tony" Spivey, Executive Director  
Renese Jones, Government Analyst  
Barbara Edwards, Assistant Attorney General  
Eric Hurst, Prosecuting Attorney

**OTHERS PRESENT**

Travis Moore, NBCCAM  
Sherie Brown, CAM  
Maggie Rogers

Staff and Council Members welcomed Mr. Hurst back to the Council as their prosecuting attorney.

**REVIEW AND APPROVAL OF THE MINUTES FROM THE  
NOVEMBER 9, 2007 MEETING**

**MOTION:** Mr. Czonstka moved to approve the minutes with no noted corrections.

**SECOND:** Ms. Glass seconded the motion.

Mr. Benson suggested one correction be made to the minutes.

Mr. Czonstka amended his motion to reflect the suggested change be made.

## **REVIEW AND APPROVAL OF THE MINUTES FROM THE DECEMBER 9, 2007 MEETINGS**

**MOTION:** Mr. Benson moved to approve the minutes with no noted corrections.

**SECOND:** Ms. Glass seconded the motion and it passed unanimously.

### **CHAIR REPORT**

Mr. Brown stated that the proposed changes to Chapter 468 Florida Statutes are being received well by the public. He will be speaking at two other functions this month and he will continue to solicit support for this amendment.

The privatization plan is proceeding through the system. Robert Skrob received a letter from the policies and budget office of the Governor's office requesting additional information regarding the privatization study. Mr. Skrob is presently working on the information requested and will be submitting it to the Governor's office soon.

The Public Services Announcement (PSA) for CAM is out of production and is being shown on television throughout the state of Florida. Mr. Brown stated that he is very pleased with the changes made to the PSA.

The Governor's office is presently working on the CAM vacant positions.

Edith Yates resigned her position as a CAM Council member. Presently there are only four active members on the Council.

There is a concern that Mr. Benson's reports are being sent to the council members and the Department. It appears to the council members that these reports are being handled by Mr. Benson and the department. The Council as a body feels that most of these reports should be handled by the council as a whole body. Information pertaining to the council should be collected and a request needs to be placed on the agenda so the council as a group can discuss it during a regular council meeting. The agenda items will be discussed and set for council meetings via Mr. Spivey and Mr. Brown. Mr. Benson stated that these items should be set by the director (Mr. Vaccaro). It was reinforced to Mr. Benson that the agenda will be set by Mr. Spivey and Mr. Brown.

There is a concern that the council members are receiving too many e-mails from Mr. Benson. It was noted that Mr. Benson isn't breaking any laws when he sends the e-mails to the council members as long as they do not respond to his request. It was brought up that Mr. Benson forwarded an e-mail to the

members and staff with a note at the bottom where he asked them to share their thoughts. That appeared to be a violation.

*(Mr. Benson talked over others which made it hard for staff to understand the comments being made by others during the meeting.)*

Mr. Benson asked the following question of the council “*the information that I send you, you don’t want it?*” Council replied, its certainly more information than what we need.

The council would like for Mr. Benson to work with them on issues concerning the council during a public meeting. When a member of the Council is appointed to an assigned task the member should work on that task. The council and staff feel as if the e-mails sent without the permission of the council are a violation of the sunshine state spirit. The purpose of having a meeting is to exchange comments in a public setting with the council for the public to hear.

**MOTION:** Mr. Brown made a motion for Mr. Benson to continue working with the department on the statistics only.

**SECOND:** Motion denied lack of a second.

Mr. Benson stated that the agenda booklets arrive two days or the day before a meeting.

Ms. Edwards indicated that there is no need for Mr. Benson to send out e-mails prior to a meeting. The agenda booklets are mailed two weeks in advance which gives the members enough time to review e-mail and other items that are placed on the agenda before the meeting. The other council members agreed.

Mr. Benson stated that is the problem they don’t have enough time to review the minutes. The members received their agenda booklets and read it the night before the meeting. He feels that short subject in meetings does not serve the public well. When he started with the council he was sending information to staff and nothing was getting done. He felt as if it was necessary to start this step to keep the council aware of the process.

Mr. Spivey and Ms. Jones send the council members their agendas at least two weeks before the meeting. Council tried to explain to Mr. Benson that he had a lot of information for the agenda and it was difficult for Mr. Brown and Mr. Spivey to zero in on what he wanted added to the agenda.

Mr. Benson requested to the council to have council meetings more often due to legislative issues that may be coming forth. He stated that the Council

cannot wait three months to put items on the agenda and then wait an additional three months for an answer from the council.

Mr. Spivey and council tried to explain that the only thing pending is Chapter 468 F.S. for legislation. The committee has made the necessary corrections and approved the study to be submitted for legislation. Mr. Benson stated that there is going to be additional committee meetings on Chapter 468 F.S.

Mr. Brown explained to Mr. Benson that in the past as the Chair, he had traveled for the board and also Mr. Reginald Billups past Chair and they never received any compensation for their trips.

Mr. Benson agreed with Council to combine his e-mails and submit them to Mr. Spivey closer to the council meetings. He will continue to keep staff informed on the process and the progress of his reports.

Mr. Brown suggested to council to allow Mr. Benson to continue to work on the statistical reports that he is presently working on with the department.

Mr. Czonstka indicated that he appreciates the e-mails from Mr. Benson. They are informative but sometimes he doesn't understand them. The Department and staff have a lot of other things to do and Mr. Benson should not be tasking staff to do things without the agreement of the Council. This information should come from the Chairman. He felt as if there are so many areas as a council member that each of them can go out and get involved in. He doesn't think that Mr. Benson should be adding to the workload of the staff without an overall agreement of the council.

Council, as a body, realized that the department is unable to handle all of the tasks that are being given to them and the council is revamping their system. The council members are receiving information that they haven't requested. Council members prefer that Mr. Benson work with the Chair and the Executive Director on getting a response from the council as a group.

Mr. Benson stated that he had been in meetings with Mr. Charlie Leim, Mr. Tim Vaccaro, Mr. Mark Whitten and Mr. Spivey and they all agreed to give council the assistance that they need. There hasn't been a problem and a lot of this information is in the department sitting there in the computer system and it has never been analyzed. Its not a matter of the department spending a lot of time completing these tasks. Mr. Vaccaro has been a great help and hasn't indicated that this is a burden.

It was reinforced to Mr. Benson that he was asking for information that the council did not request. Mr. Benson felt as a member of the council he should be able to obtain this information without the council group.

Mr. Spivey advised Mr. Benson that they were trying to help him and to keep him from violating the Sunshine laws. Mr. Benson stated *“I’m willing to take the responsibility of violating the Sunshine laws.”*

The council gave Mr. Benson the task of working on the current statistical information that he is presently working on with the department. Council will be expecting at the next meeting in their agenda materials a new report with information showing how complaints are compiled, number of complaints, licensees and telephone calls. Mr. Benson will present to the council and indicates this is the most produced informative way for council to receive the information from the department.

The council will then make a determination on whether or not the report looks good or this isn’t or is the right thing to do. Mr. Brown tasked Mr. Benson to work on the statistical information with the department. The council members explained to Mr. Benson if they start working on too many issues at once nothing is going to be accomplished. The council, as one body, would like to prioritize their issues, accomplish those issues and then take up the next issue.

Mr. Benson stated that the timing of the meetings over load the issues that come up. The chair needs to know when the agenda is being overloaded and look at the possibility of having extra telephone conference meetings.

Mr. Czonstka had concerns if council gives him a task how much leeway would he have going to the department and asking them to do things.

Ms. Glass stated that she appreciates the information Mr. Benson is sending, but it is too much information.

Mr. Benson laughed at her comment.

Ms. Glass stated to Mr. Benson it is not funny. She has an issue with the e-mails being forwarded to everyone. An e-mail is the same as a telephone call you cannot pick up the telephone and have a meeting on the outside of a meeting. This is similar to what Mr. Benson is doing with the e-mails. These e-mails should go to Mr. Spivey and then the chair. Then the important e-mail should be pulled and placed on the agenda. We have ample time to review our agenda materials before the meeting. Everytime something changes the committee receives an e-mail from Mr. Benson. These e-mails clog up her inbox and she can’t get rid of them. She agrees with Mr. Czonstka, Mr. Benson means good but she doesn’t want to give Mr. Benson too much leeway.

On the next agenda we will add Mr. Benson’s statistical report. The committee doesn’t want to see e-mails on Mr. Benson’s recommendations

only the end results. The council is requesting Mr. Benson to bring a copy of the recommendations (e-mails) in a file folder and if the council needs to review them they can.

Council requested Mr. Benson to send the final copy of the statistical report to Mr. Spivey to be added to the agenda.

Mr. Brown stated that if anyone wants to send an agenda item in the future, send a one sentence agenda item only to Mr. Spivey.

### **COUNCIL COUNSEL REPORT**

Ms. Edwards stated that every year the council is required to come up with a list of the topics that need to be included in the legislative updates which is apart of the continuing education requirements. In the past this process has been done by the education department, but they no longer do this. The last time a provider provided a list of courses to Ms. Edwards and she was able to review and approve the continuing education courses. This year Mr. Brown reviewed the courses.

Mr. Travis Moore has volunteered to update the council members and staff on the changes that have taken place regarding the legal update following the closing of the session.

The Bureau of Testing is suggesting to the department to submit a copy of the legislative update to the council to review the changes.

The council would like to work in conjunction with the Bureau of Testing in determining which courses should be required for the legal update. Mr. Spivey agreed to take this information to the department on behalf of the council.

**MOTION:** Mr. Brown made a motion that the council is willing to help but will not assume full responsibility of approving the legal update for continuing education.

**SECOND:** Mr. Benson seconded the motion and it passed unanimously.

### **PROSECUTING ATTORNEY REPORT**

Mr. Hurst stated that he provided the council members with a memorandum dated January 10, 2008 which contained all the CAM cases located in the legal section and he gave a report as follows:

Status 30 – In Legal

The report showed that there were 10 cases reported;

Status 36 – Administrative Complaint Filed

The report showed that there were 3 cases reported;

Status 40 – Awaiting Outside Action

The report showed that there was 1 case reported;

Status 43 – Formal Hearing Requested

The report showed that there were 5 cases reported;

Status 44 – Referred to DOAH

The report showed that there was no case reported;

Status 45 – Sent to Expert/Consultant

The report showed that there were 5 cases reported;

Status 58 – Case Considered – Awaiting Final order

The report showed that there were 3 cases reported;

Status 145 – Pending Informal Hearing

The report showed that there was no case reported;

There were a total of 27 open CAM cases in the legal department.

Mr. Benson read off a report to the committee and Mr. Hurst advised him that before he can regulate something it has to fall under his jurisdiction. Mr. Benson wanted Mr. Hurst to change the format of his prosecuting attorney report.

Mr. Hurst responded to Mr. Benson and told him he was sorry to disappoint him but this is the standard prosecuting report that every board gets throughout the department and the department attorneys will continue to use this format. He also agrees to provide additional information to him regarding the categories to help him understand the report. The Council members agreed with Mr. Hurst.

Mr. Benson disagreed and told the chair that he doesn't think council need to bear the expense of having Mr. Hurst at the council meetings. There was nothing in his report and we don't need him in the meetings. He felt as if it was a waste.

The other council members voiced their opinion to think that this position is useful to the council. In the past Ms. Leigh answered questions and provided information to the council.

*(Mr. Benson talked over others which made it hard for staff to understand the comments being made by others during the meeting.)*

## **EXECUTIVE DIRECTOR'S REPORT**

Mr. Spivey reviewed the financial reports ending September 30, 2007. The unlicensed activity account showed a balance of \$133,916. The operating account showed a balance of \$1,503,276. He indicated that he had not been informed of any cash sweeps.

Mr. Spivey gave a briefing on the requirements of traveling and submitting the travel voucher. He advised them why it is important that the council members returned their vouchers to the department within 5 business days of a meeting.

Regulation report added for information purposes only.

### **MR. MARK BENSON**

Mr. Benson will be attending several meetings and he is seeking to be reimbursed for his travel expenses. The committee feels as if no other member of the council in the past has received compensation for travel.

Mr. Benson stated how it would look if he goes and tells the House Committee that the council refuses to pay for his travel after Mr. Charlie Leim approved it.

Mr. Brown stated if you are apart of the House Committee then the state or the House Committee would fund it instead of the council. He firmly believes that the council should not fund a representative to attend any organization or conferences.

**MOTION:** Mr. Brown made a motion for the council to reimburse travel for anyone attending the legislative select committee meetings only.

**SECOND:** Mr. Czonstka seconded the motion and it passed unanimously.

The committee delegated Mr. Benson as the person to attend the select committee meetings on Chapter 468. Mr. Benson must submit in writing his request to Mr. Spivey prior to the meeting and receive authorization from the executive director to attending the legislative select committee meetings.

### **PUBLIC COMMENTS**

None

### **OLD BUSINESS**

None

### **NEXT MEETING**

Mr. Brown changed the May 2, 2008 telephone conference meeting to May 9, 2008.



Also the committee was given a list of meeting dates for the next fiscal year.

August 8, 2008 – phone meeting

November 7, 2008 – in person meeting

February 6, 2009 - phone meeting

May 8, 2009 – phone meeting

## **ADJORNMENT**

**MOTION:** Mr. Czonstka moved to adjourn the meeting.

**SECOND:** Mr. Benson seconded the motion and it passed unanimously.

The meeting was adjourned at 12:45 pm.