

**Regulatory Council for
Community Association Managers**

The Ritz Carlton Sarasota
1111 Ritz Carlton Drive
Sarasota, Florida 34236

Friday, August 10, 2007 @ 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
Edith Yates (absent)
Mark Benson

STAFF PRESENT

Anthony B. "Tony" Spivey, Executive Director
Renese Jones, Government Analyst
Barbara Edwards, Assistant Attorney General
Jessica Leigh, Prosecuting Attorney (absent with no replacement)
Michael Green, Regulation

OTHERS PRESENT

Dawn Bauman, NBCCAM
Travis Moore, NBCCAM
Lori Rodgets
Ben Rodgets
M.J. Gentry, CAM
Steven Jakubaitis
Kim Jakubaitiz, President of
Section 20 Property Owners Association

**REVIEW AND APPROVAL OF THE MINUTES FROM THE
FEBRUARY 2, 2007 and MAY 4, 2007 MEETINGS**

MOTION: Mr. Czonstka moved to approve the February 2, 2007 minutes with the following corrections. This motion was amended to include that the minutes be approved with the following corrections.

While the motion was being taken Mr. Benson made a motion and stated “*you can not approve something that you are changing*” and while others were speaking he spoke across them.

Ms. Edwards stated to the council members “*I am not a parliamentarian and I don’t know.*”

Mr. Spivey asked council to approve the minutes and outline the necessary corrections.

Mr. Benson continued to speak across others.

Mr. Spivey suggested to council to take the necessary corrections and then make the motion to approve the minutes.

Mr. Czonstka stated that {on page 10, line 2 word “elections” should be “nominations” and the word “close” should be “closed”}.

SECOND: Ms. Glass seconded the motion.

Mr. Benson stated “*no, I would like to see a copy of the corrected minutes, if that is what we are approving.*”

Motion passed 3 in favor (Mr. Brown, Mr. Czonstka & Ms. Glass) and 1 opposed (Mr. Benson).

Minutes from May 4, 2007 on page 16 of the agenda, line 27 “he haven’t” should be “he hasn’t”; page 12, line 31 “NBECAM” should be “NBCCAM”; page 13, line 9, “allow small businesses to be licensed” should be “allow small associations to use unlicensed managers.”

MOTION: Mr. Czonstka moved to approve the May 4, 2007 minutes with the noted corrections.

SECOND: Ms. Glass seconded the motion.

Motion passed 3 in favor (Mr. Brown, Mr. Czonstka & Ms. Glass) and 1 opposed (Mr. Benson).

Mr. Benson stated that he had reviewed the minutes and noticed that there were pages and pages of reports, comments and personal opinions and felt as if that was not appropriate for minutes. He also felt as if minutes should not be verbatim they should reflect the action of the body. Individual names should not be quoted.

MOTION: Mr. Benson made a motion for the format of the minutes to be in according to Robert's rules.

This motion failed due to lack of a second.

Mr. Spivey stated to Council that Mr. Tim Vaccaro had already contacted Mr. Benson to advise him that CAM Council were not bound by Robert's rules.

Mr. Spivey also stated that without making a record of what's been said in the room would defeat the purpose. If there was a court reporter in the room he/she will take a verbatim record of what's being said and by whom.

MOTION: Mr. Benson made another motion to discuss removing the verbatim language and council member's names from the minutes and that the minutes reflect the business action of the meeting only.

Ms. Edwards stated that *'there is not a Florida Statute that gives authority for council to follow Roberts' rules. "*

SECOND: Motion failed due to lack of a second.

Due to Mr. Benson speaking over others while members of the council were trying to discuss the actions of the council made it difficult for staff to transcribe the minutes of the meeting.

CHAIR REPORT

Mr. Brown stated *"I would like to welcome the new members of the Council. Due to the member change of the Council I want to provide a review of some of the main issues the Council has been addressing.*

They are:

Privatization – Since I was appointed by the council early on to work with the various departments and Governors office to see privatization through, I will cover this further in a moment.

Develop A Public Service Announcement (PSA) – this is on the agenda for later in the meeting.

Communication of CAMs via the website and regular newsletters. Until the past 15 months we have gone without a regular newsletter for years. The current newsletter has just recently been mailed to all CAMs with a notice explaining that in the future it will only be available on the website. We must work to have CAMs use the website.

The council has discussed for several years how it can help coordinate two bills through the legislature. First is to remove the exemption of small associations which allows the use of unlicensed managers. The second is for management companies to be licensed or linked to a licensed CAM.

Budget cuts and the threat of sweeps. A sweep is the process of legislature taking funds from the various profession's trust funds. The Department has recently been discussing with the Chair of the different profession, the need for the Department to cut at least 10% of its budget. The overwhelming majority of expenses allocated to the CAM Council are outside of our control. This expense is a prorated charge back for the different services carried out by the department, for example the call center, license processing, etc. Directly within our control are items like the newsletter which will no longer be mailed and our four meetings a year, two of which are in person and two by telephone conference. This has been viewed as basically bare bones. The Department may comment further on the budget cuts later in the meeting. I would like to finish with a review of the privatization process.

For the majority of this decade, the existence of the Florida CAM Licensure Program has been in question due to deregulation threats, special assessments, and the lack of services offered to the CAMs and the counties served by Florida's 10,000+ CAMs. The council has viewed Privatization as needed to protect and improve our profession and those we serve.

Here is a review of the Privatization timeline and future projections:

October 2004

The CAM Council Voted to Approve the Business Case Study

February 2005

The CAM Council was notified by the Department and Michael Martinez, attorney for the DBPR, that we will need to find outside sources to fund the study.

May 2005

CAI raised the funds from Florida interest groups to fund the study. The CAM Council investigated the cost of the initiative.

November 2005

The CAM Council met via teleconference and took up the issue of moving forward with having a business case study conducted. CAI informed the CAM Council that sufficient funds had been raised for the study and what entities donated the funds. The council voted to authorize CAI to go forward with having the business case study conducted and to present the findings at the February meeting of the CAM Council.

February 2006

Robert Skrob of Membership Services, presented the business case study to the CAM Council members.

August 2006

The CAM Council voted to submit the business case study to the Governor's office to continue the pursuit of privatization of the CAM Licensure Program.

October 2006

The slightly updated version of the business case study was submitted to the Governor's office the next step in privatization of the program.

November 2006

The Governor's office responded to the CAM Council business case study submission and moved the business case study to the management office for consideration.

December 2006

The management office responded with specific questions to the business case study.

January 2007

The CAM Council responded to the Governor's office letter regarding Privatization.

Presently

The CAM Council has been waiting for the budget office to review the request and included the request in the budget. The initiative was not included in this Fiscal Year budget.

NEXT STEPS AND TARGET DATES

The CAM Council will continue to work closely with the representatives for the Mappers & Surveyors profession who are working to privatize as well. The Mappers and Surveyors are about three months ahead of the CAMs.

May 2008

*Appropriation includes privatization initiative in the FY budget.
Identify board members for the new corporation.*

The DBPR and CAM Council goes contract negotiations with privatizing corporation.

June 2008

Governor approves budget

July 2008

Transition to privatizing entity begins

September 2008

*Privatizing entity assumes responsibility
This concludes my report. Thank you."*

COUNCIL COUNSEL REPORT

Ms. Edwards stated that there are no rules pending.

PROSECUTING ATTORNEY REPORT

Ms. Leigh was not present for the meeting. Her assistant, Mr. David Spingler, provided a report for the meeting. This report was dated July 20, 2007 which contained all of the CAM cases located in the legal section.

Status 30 – In Legal

The report showed that there were 11 cases reported;

Status 35 – Set for Probable Cause

The report showed that there were 2 cases reported;

Status 45 – Sent to Expert/Consultant

The report showed that there were 2 cases reported;

Status 36 – Administrative Complaint Filed

The report showed that there were 2 cases reported;

Status 145 – Pending Informal Hearing

The report showed that there was 1 case 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 was 1 case reported;

Status 44 – Referred to DOAH

The report showed that there was 1 case reported;

Status 58 – Case Considered – Awaiting Final order

The report showed that there were 4 cases reported;

There were a total of 25 open CAM cases in the legal department.

Mr. Spingler also provided an updated case report dated August 6, 2007.

Status 30 – In Legal

The report showed that there were 13 cases reported;

Status 35 – Set for Probable Cause

The report showed that there was 1 case reported;

Status 36 – Administrative Complaint Filed

The report showed that there were 2 cases reported;

Status 145 – Pending Informal Hearing

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 was 1 case reported;

Status 44 – Referred to DOAH

The report showed that there was 1 case reported;

Status 58 – Case Considered – Awaiting Final order

The report showed that there were 2 cases reported;

There were a total of 24 open CAM cases in the legal department.

Mr. Czonstka had a question regarding pending denials.

Mr. Spivey indicated that the individuals in Status145 pending informal hearing are given a chance to come before the department and plea their case on the appeal process.

Mr. Benson asked for a breakdown of the status used in this report to be supplied to the council. Also, he wanted to know the reason why the index listed the individual names instead of their case numbers. He felt as if the removal of the names would remove the private confidentiality of these cases.

Mr. Benson asked the question “*What does in legal mean?*”

Mr. Spivey responded and told him that these are cases being worked in the legal section.

Mr. Benson could not understand that there were cases from 2004 on the list. He stated that “*nothing has been done on these cases since 2004.*”

Ms. Jones tried to explain that some of these cases have already gone through the system and they failed to comply with the final order and she filed a second complaint on them for failure to comply with the final order.

Mr. Brown stated to Mr. Benson that this was the first meeting he had ever attended and Ms. Leigh was not present. He suggested to him that he may want to hold all of his questions until the next meeting by phone or...

Mr. Benson spoke across Mr. Brown and stated *“Why do we have to wait? Can’t we get the information before the meeting? And also, at the same time then if we can get a break down as to categorizing each of the violations as to what category of violation that we are talking about. Is this something that can be addressed on an education basis in the future so that we don’t have these problems? If we are getting these complaints, what’s the cause of the complaint? Is it a lack of education? What is the cause of the complaint?”*

Mr. Spivey advised him that his questions are geared toward another discussion and at the present moment we are discussing a legal report. Mr. Spivey stated that he would speak with the attorney and see if he can get this information included in the report.

Again Mr. Benson spoke across Mr. Spivey and asked *“can we ask; if we could get that included in the next report?”*

Mr. Benson asked if there was a reason why we had a case on the legal report dated back from 2002.

Mr. Spivey replied to Mr. Benson *“I am not the legal attorney and I will take your questions back to the department and try and get an answer for you.”*

Mr. Benson stated to Mr. Spivey *“We don’t need to wait until the next meeting”*.

Mr. Spivey advised Mr. Benson that whenever he sends information to the members of the council that this information cannot be discussed....

Mr. Benson talked across Mr. Spivey and said *“you still can send it to the members of the council”*.

Mr. Spivey reminded Mr. Benson that he said he would send it.

Mr. Benson continued to talk over Mr. Spivey.

Mr. Spivey asked Mr. Benson would he please give him a chance to finish his statement. Mr. Spivey stated that he was trying to clarify that the information he sends out cannot be discussed until the next public meeting.

Mr. Benson stated again *“when will we be getting that information?”*

Mr. Brown called for the Executive Director's report.

EXECUTIVE DIRECTOR’S REPORT

Mr. Spivey reviewed the financial reports ending March 31, 2007. The Operating Account showed a balance of \$1,544,259. The unlicensed activity

account showed a balance of \$135,975. Mr. Spivey indicated that the unlicensed activity fee is used for unlicensed activities only. He indicated that he had not been informed of any sweeps.

Mr. Benson asked “*what percentage of the fees paid goes toward unlicensed activity.*”

Mr. Spivey stated \$5.

Mr. Benson wanted to know with a wavier of the fee would the licensee still be required to pay the \$5 fee into the unlicensed activity account.

Mr. Spivey said “yes.” Whenever there is a fee wavier, the licensee is still required to pay the unlicensed activity fee.

Mr. Spivey informed the council that the Governor has asked that the state agencies do a budget reduction. The department has been informed to do a 10% reduction. The department is trying to do a 12% reduction. The department has looked at different ways of cutting back. One of the ways that are being discussed is cutting board meetings. He advised council that they may have to go to all telephone meetings. We have looked at having meetings in a central location within the state to avoid high travel costs. We are going through some exercises right now within the department to address some of the issues.

Mr. Spivey stated that the complaints report has been provided to the council and it shows the number of complaints that come into the department quarterly.

Mr. Benson stated that the prosecuting attorney report and the complaints report are not in comparison. “*The numbers on the two reports don’t tie in.*” He indicated that there are 134 cases legally sufficient and there are 81 cases completed. “*So, we are running a 60% completion rate on investigation? So the number of open cases on here does not necessarily tie in with the number that is opened?*”

Mr. Spivey answered “yes” and stated that these reports are independent of each other. One is done in the regulatory section with the investigators and the other is from the legal section. I don’t see them interacting with the information when they put this reports together. That is the reason why the report is not in comparison.

Mr. Benson asked the question “*wouldn’t that be helpful to try and tie them together?*”

Mr. Czonstka stated to Mr. Benson that what he was talking about is the total case that was received during the first and second quarter. That is why there is no connection. Some cases maybe included in the report but there are some that's been included in the report for years. Once a complaint is received in the department it appears on the regulation report and later on it will appear on the legal report.

Mr. Benson asked was this the compliant report for one year.

Mr. Czonstka said "yes."

Mr. Benson said that there was nothing on the legal report that stated the cases are complete.

Mr. Benson stated that on the Operation Account report there are 11,108 phone calls received by the central intake unit. He wanted to know what timeframe that these calls were received by the Call Center (monthly or quarterly).

Mr. Spivey indicated that this report is generated and printed quarterly (January-March).

Mr. Benson could not believe that the department had received 11,000 calls in 3 months. He wanted to know if the call center has a break down of the calls and subjects of the calls. Mr. Benson requested Mr. Spivey to find out what the subject matter of each call that comes into the department. Mr. Benson stated "*why we would have 11,000 people calling in for CAMs and we don't have 11,000 CAMs.*"

Mr. Spivey stated we have more than 11,000 CAMs licensed in the state of Florida.

Mr. Benson stated "*no we have 12,000 roughly and a lot of those people don't manage associations*".

Mr. Spivey informed Mr. Benson that he will direct his question to the director of the call center.

Mr. Spivey advised the council that any of them that stayed at the hotel last night needed to check out and get a bill with a 0 balance. The ones that did not stay in the hotel, the department will be paying your mileage and he would like for them to submit their travel vouchers within 5 business days of the meeting.

PUBLIC SERVICE ANNOUNCEMENT

Mr. Michael Green from the Regulation department submitted a power point of a public service announcement.

Mr. Czonstka and other council members voiced their opinion on the part of the PSA that talked about real estate. It indicated that a CAM was performing real estate duties. *“If that part of the PSA was removed or the announcer wording was changed the PSA would be fine.”*

Mr. Benson looked around the room and asked people individually repeatedly *“do you live in a condominium”* and they all replied “no”. He tossed his pen down and said *“terrific.”* He went on to say that *“community association managers are essentially the chief operating officers for a corporations, multi-million dollar corporations with assets to multi-million dollars assets. Where the chief operating officer of the corporation is being directed by the board of directors with its stock holder which are unit owners. The board of directors set the policies we (CAMs) to minister.”* He felt as if the PSA was geared toward real estate instead of CAMs and if someone that lived in a condominium or manager should have been a part of the PSA

Mr. Green agreed to take the council comments back to the department and work with the announcer to make the necessary changes to the PSA. He indicated that council has time to make the necessary corrections before the PSA airs. He was not sure if communication can rework the PSA or they will have to re-shoot it. He made an announcement that the department has an unlicensed toll free number.

Mr. Spivey felt as if it would be unfair to just put force on condominiums and not Community Mangers.

Mr. Benson wanted to know why a year ago he was told the PSA costs \$10,000 and now it is costing the council funds \$20,000. Could some one tell him the reason why this was the first time a council member has seen this PSA.

Mr. Brown indicated that the council member that were appointed to work with the department was no longer with council. He stated that this was the first PSA he had seen on CAMs. He has seen others but they were clips from other professions. He suggested to Mr. Green to take out the word condominium and add community association or say...

(Staff was unable to complete the sentence due to talking across each other.)

Mr. Czonstka wanted to know who was paying for the PSA CAM council funds or DBPR. He was told CAM unlicensed activity funds.

Mr. Brown wanted to know from Mr. Green what would be the status of the PSA by November 9. He wanted to know if Mr. Green would be able to work with the board members.

Mr. Spivey said he would be able to work with the council members.

Mr. Green indicated that once the changes are made the members can review the PSA online. He also stated to Mr. Benson that for unlicensed activity complaints you are required to fill-out the compliant form and the department has investigators to investigate the unlicensed activity complaint.

Mr. Brown asked Mr. Benson and Mr. Green if they didn't mind can they have their conversation at the end of the meeting. Council has 5 minutes before the end of the meeting and there are some people still needing to check out the hotel.

Mr. Spivey stated that he changed the subject of new business on the agenda to the suggested topic. The reason for this was we can only put new business on the agenda for the next meeting and suggested topics we are able to discuss during the meeting.

Mr. Benson indicated that he received an e-mail from Mr. Tim Vaccaro stating that he can bring up items under the new business. He wanted to know can a council member get information placed on the agenda.

Ms. Edwards started to read the 2007 Sunshine Manual and said on the other hand....

(Staff was unable to complete the sentence do to talking across each other.)

Mr. Benson talked across her and *said "I don't think we need it read to us, everybody knows what the 2007 says."*

Ms. Edwards stated to Mr. Benson *"let me read this please."*

Mr. Benson told her to *"go ahead."*

Ms. Edwards started to read *"on the other hand, if a committee or board is carrying out legislative responsibility the attorney general's office has advised that the public should be afforded a meaningful opportunity to participate at each stage of the discussion making process including workshops. See Formal Opinion to Thruster January 27, 1994 and informal opinion to Conn May 19, 1987."* She went on to say *"It depends on what the topic is whether or not it can be discussed at length in a meeting without having to be put on the agenda."*

Mr. Benson asked Ms. Edwards *"so, the item of new business is appropriate?"*

Ms. Edwards replied *“I am telling you what the limitations are at least some of them.”*

Mr. Benson stated he doesn't think that there was something that limits new business from being on the agenda.

Mr. Spivey stated *“That's not what we are saying....”*

(Staff was unable to complete the sentence due to talking across each other.)

Mr. Benson talked across Mr. Spivey and said *“you taking it off?”*

Mr. Spivey stated that he has not taken it off just changed the title for it.

MOTION: Mr. Benson laughed and made a motion to have new business replaced on the agenda.

Mr. Brown called for a second and the motion failed for lack of a second.

Mr. Brown stated that historically in the past he believed that the Chair along with staff would set the agenda. In the past we have had new business on the agenda. He could not recall a subject that came up under new business and council did not know that it was coming. Mr. Brown did not want the Council surprised and he was not sure if there would be items that may come up that he's not aware of.

Mr. Benson asked Mr. Brown *“did you instruct staff not to put the items on the agenda.... is that what you wanted?”*

Mr. Brown stated that had not been discussed with him.

Mr. Benson stated that all of the items he presented for the agenda were not discussed with the chair and chair did not tell staff to leave them off.

Mr. Brown tried to say *“Mr. Benson I would not put it in the context you used with Tony....”*

Mr. Benson talked across him and said *“did he provide the information...”*.

Mr. Brown asked Mr. Benson to let him talk.

Mr. Benson continued to talk across him.

Mr. Brown stated *“during the past two months there has been questions on whether there will be a quorum of council members, what was occurring with the Governor's*

appointment office, which council members were coming off and the way that this process was handled that was a large question. It wasn't until recently which people would consider on this agenda. We felt that things were very unclear and two council members were removed a week or two weeks ago. We felt as if today's meeting would be on just regrouping. Today let us discuss the items we want to work on. He suggested to council to work together on the items that need to be submitted for the agenda. "

Mr. Benson stated *"we have an understanding then that if any of the council members need to have something added to the agenda that it will be added to the agenda. We don't have to bring it up it can be on the agenda and we can pass it."*

Mr. Brown stated that he thinks that council would like to entertain anything that goes on the agenda that is pertaining to the profession. Agenda items should be handled by staff and given to the council so that council will be prepared to discussed it at the meeting.

Mr. Spivey stated that council members can forward agenda items to him and he would review these items with the chair and he will determine if the item will be added to the agenda. This is the same procedure that he uses with his other boards.

Mr. Benson asked *"can I make a motion then that items will be added to the agenda as the council members bring the up."*

Ms. Edwards stated to Mr. Benson *"I don't think that is what was said."*

Mr. Spivey stated *"no it is not."*

Ms. Edwards stated that what was said was *"any board member can request that something be put on the agenda and then Mr. Spivey will discuss it with the chair and a decision will be made whether or not to include it on the agenda."*

Mr. Benson said *"that was not my motion."*

Ms. Edwards and Mr. Spivey along with some other council members stated that they know that was not Mr. Benson' motion.

Ms. Edwards stated she knows that wasn't Mr. Benson's motion but that was not what was said by Mr. Spivey.

Mr. Benson stated that he made a motion....

(Due to several people talking across each other staff was unable to complete the sentences.)

Mr. Brown stated to Mr. Benson, I think Mr. Spivey's intention is basically the way it has been and the concern is to accept the motion as you have worded. This kind of boxes the council in where someone could come forward with 25 items and want the 25 items all put on the agenda. I would not want that to occur...

(Due to Mr. Benson speaking across Mr. Brown staff is unable to complete the sentence.)

Mr. Benson stated to Mr. Brown *"let us address it at that point. I think it's the council's job to prioritize the material and not for staff to sensor the information."*

Mr. Spivey stated that he takes offense to his comment. Staff does not sensor information.

Mr. Brown indicated that the action of the board was necessary due to the change in the council member not knowing who would be on the council for the meeting.

Mr. Benson stated *"I have a motion on the floor."*

Mr. Brown called for a second and it was failed due to lack of a second.

Mr. Benson stated to the council *"you guys don't agree with that, you don't want to ask for something to be put on the agenda?"*

Mr. Czonstka stated *"you can always do that, I don't need a motion to do it. But it is up to the chair."* He stated that every organization he has chaired the chair set the agenda. He doesn't feel like in the future that there will be a problem with Mr. Spivey discussing the agenda with the chair.

Mr. Benson stated *"it seems to be a problem now."*

Mr. Czonstka said the only problem he had is the way the motion is worded. The motion can open the door for 25 or 50 items.

Mr. Benson stated *"who are we dealing with here."*

Mr. Brown asked will there be a second.

Mr. Czonstka stated that *"there has never been a problem in the past and I don't see a problem to address it now."*

Mr. Benson stated since the motion did not pass *"The procedures would be; the council will ask Mr. Spivey to add something to the agenda, which he will discuss it with Mr. Brown and determine whether you will allow it to be on the agenda?"*

Mr. Brown stated “*you can put it that way but I don’t know if I like the word allow.*” Mr. Brown’s other concern is when we have a meeting the council members have other meetings they have to attend. Mr. Czonstka is scheduled for another meeting. We try to make sure the agenda would be set within a certain timeframe to allow for other meetings.

Mr. Benson stated “*rather than get work done that we need to address.*”

Mr. Brown asked is there any more questions.

Mr. Benson stated “*there is no need to go through them again now.*” He will give them to Mr. Spivey to put on the next agenda.

Mr. Brown stated to Mr. Benson that in the future he will find out that he won’t have any problems with the agenda items.

PUBLIC COMMENTS

Ms. Kim Jakubaitis, President of Section Owners Association stated “On January 3rd 2005 I filed for Arbitration against Deep Creek Section 20 Property Owners Association an election dispute and to overturn an illegal \$80 assessment. On that same date I filed a complaint against Section 20’s then CAM Leroy Dunn. Section 20 consists of 3,910 single-family home sites.

On July 6, 2005 the Arbitrator returned a ruling overturning the election and reversed the \$80 illegal assessment. This assessment was supposedly for hurricane clean up, which in my opinion as well as many homeowners was not done. When we took office in July, in the more than 6 months it took to get a ruling all monies collected from the \$80 illegal assessment had been spent. The Association no longer had the funds to reimburse property owners, forcing us to conduct an election to adopt the assessment and keep our Association from going bankrupt. At the present time we are still struggling with hurricane clean up in our greenbelts.

To date Mr. Dunn still holds a CAM license. He has moved on to other communities and is continuing to cause problems for these residents. Because our case was well covered in the local press, I have received many calls concerning the ongoing problems with Mr. Dunn’s “management”. It is very difficult to convince these homeowners to file complaints with the DBPR. The question I am always asked is: “Why does he still have a license after what he did in Deep Creek.” There is no logical answer to that question. The Arbitrator’s own words concerning Mr. Dunn’s behavior include: misrepresentation to the members, failing to abide by the governing documents, engaging in a practice that exceeds the bounds of proper election ethics and violating the principles of fairness, not acting in good faith, improperly excluding proxies, such secrecy flies in the face of fairness, and improperly and in bad faith conducted portions of the annual election. It is imperative that the DBPR moves faster on the Arbitration of cases as well as the disciplinary process for CAM license holders. The failure to expediently move these cases forward costs homeowners a lot of money, time, and frustration. At the same time it allows these predators to move on and continue to inflict harm

on other homeowners. Thank you. Kim Jakubaitis, President, Section 20 Property Owners Association”

Ms. Edwards indicated to Ms. Jakubaitis that the case has been referred to the DOAH. Therefore, this case is out of the department’s hand and it is into the hands of the court. In general that does not take to long to hear a decision.

Mr. Jakubaitis voiced her concerns of the timing that an individual has to wait on a complaint to be filed and charges to be brought against the person’s license. She stated that Ms. Jessica Leigh has been helpful.

Comments from the board stated that Ms. Leigh prosecutes these cases as soon as possible and she does a great job.

OLD BUSINESS

Mr. Benson indicated that there was a motion for the privatization study to be done a motion for the privatization to be submitted to the Governor’s office and there was never a motion to move forward with the privatization and he thinks that council needs to make one. He stated that there was nothing in the minutes to indicate that they voted on it.

Council members informed Mr. Benson that they are still working on the study. Whenever the study is completed they will be given an opportunity to vote on going private if they chose to do so.

Mr. Brown stated that he will review the information.

Mr. Benson wanted to know the procedure and time to submit proposed changes for legislation.

Mr. Brown stated *“by November 9 we need a lot of lead time.”*

Mr. Benson asked *“we need drafted proposal by that time.”*

Mr. Spivey stated *“correct.”* If there are any items that council wants to be submitted...

Mr. Brown stated that council would like to submit proposed changes on removing the exemption on small associations being able to used unlicensed managers.

Mr. Spivey stated that there are two ways address this issue: he can take it back to the department and the department can choose or not choose to submit this as a legislated proposal.

Mr. Benson spoke across Mr. Spivey and asked “who are they?”

Mr. Spivey indicated the Secretary and asked Mr. Benson to let him finish his statement.

Or Council can find a sponsor.

Mr. Benson wanted to know who would draft the information.

Mr. Spivey indicated Council.

Mr. Benson stated we will have to drafted it and take it to a sponsor.

Ms. Edwards indicated to Mr. Benson “*if you find a sponsor Council is responsible for drafting their changes.*” If the department submits the changes they have people on staff that’s responsible for drafting there changes.

Mr. Benson indicated “*how do we know that the department will not sponsor this bill.*”

Mr. Spivey answered, “*whenever he submits his question to the department we will find out for him.*”

Mr. Benson wanted to know if Mr. Spivey has submitted something to the department.

Mr. Spivey indicated that this subject has been discussed with the department before.

Mr. Benson said “And”.

Mr. Spivey stated that the department did not sponsor it.

Mr. Benson asked “*is that their same position now.*”

Mr. Brown stated that Secretary Benson seems to be more eager to assist us both inside and outside the department if the changes are beneficial to the profession and Floridians.

Mr. Benson spoke across Mr. Brown.

Mr. Spivey indicated that “*no, Secretary Benson has not said she was not going to move forward with this.*”

Mr. Brown stated that he has discussed the two items with Ms. Benson...

(Staff was not able to complete sentence due to noise in the background.)

Ms. Edwards indicated that if council would like to submit a proposal to an association and if they are in agreement they would provide the help, the funds, and the people to do whatever is needed to be done.

The question came up, “*can council hire an attorney to write the bill?*”

Ms. Edwards indicated that she doesn't think so nor can you hire someone to go and lobby for you.

(Due to talking while others were talking staff is unable to finish the statements.)

Mr. Benson asked Mr. Spivey would he be able to find out something.

Mr. Spivey indicated that he will get with Mr. Vaccaro on this issue and he can speak with the Secretary regarding this. He will report back to the council his findings.

NEXT MEETINGS

November 9, 2007

February 1, 2008

May 2, 2008.

ADJORNMENT

MOTION: Mr. Czonstka moved to adjourn the meeting

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

The meeting was adjourned at 1:30 pm.