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**REGULATORY COUNCIL OF
COMMUNITY ASSOCIATION MANAGERS**

Friday, August 23, 2013 at 10:00 a.m. EST

Conference Call Meeting

Conference: 888.670.352 Conference Code: 6493057517 then #

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Meeting Minutes

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I. CALL TO ORDER

The meeting was called to order at 10:00 a.m. by Dan Biggins, Executive Director.

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II. ROLL CALL

Patricia Rogers, Chair

Kelly Moran, Vice Chair

David Beswick

Dawn Warren

Terence Brennan

Mr. Biggins confirmed that four members constitute a quorum.

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Staff:

Tim Vaccaro, Deputy Secretary

Daniel Biggins, Executive Director

Donald Shaw, Government Analyst

Ruthanne Christie, Government Analyst

Kathleen Brown-Blake, DBPR Rules Attorney

John MacIver – DBPR Attorney

C. Erica White – Prosecuting Attorney

Radhika Puri – Prosecuting Attorney

Judy Sineath – Administrative Assistant

Robert Milne – Assistant Attorney General

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III. APPROVAL

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1. May 31, 2013 meeting minutes

Motion: Kelly Moran made a motion to waive the reading of the minutes and to approve the May 31, 2013 meeting minutes.

Second: Dawn Warren seconds the motion. Motion passes unanimously.

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IV. CHAIR REPORT – Patricia Rogers

Patricia Rogers, Chair, welcomed everyone. Ms. Rogers noted that the Governor sent all Council members a copy of his update for the year 2012-2013, and projections for 2014,

47 and that specifically, the Governor is continuing to keep a focus on promoting business,
48 and that the Council needs to keep that in mind when moving forward with Rule
49 promulgation. Ms. Rogers also asked the Council to make sure they read the recently
50 passed legislation.

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52 **V. COUNSEL REPORT –Robert Milne**

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54 Mr. Milne stated that proposed language has been provided which will implement the
55 recently passed legislation in which CAM's can be disciplined for violations of Ch. 718,
56 719, and 720, Florida Statutes. Ms. Rogers commended Mr. Milne and Ms. White in the
57 presentation of the proposed changes. Mr. Brennan also praised the way the changes
58 were presented.

59

60 **1. Rule 61E14-2, F.A.C.; Standards of Professional Conduct**

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62 Ms. Brown-Blake advised the Council that in order for the proposed language to be
63 adopted, the Council would need to vote to withdraw the rule language, and a new
64 motion would need to be made to open rule development, allow any comments or
65 questions on the new language, and then a motion would need to be made to approve the
66 language..

67

68 **Motion:** Mr. Brennan made a motion to withdraw the previous rule.

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70 **Second:** Ms. Moran seconded the motion. Motion passes unanimously.

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72 Ms. Brown-Blake then stated this would be the time to make a motion to notice rule
73 development for 61E14-2

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75 **Motion:** Terrence Brennan made a motion to notice rule development for 61E14-2

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77 **Second:** Kelly Moran seconds the motion. Motion passes unanimously.

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79 Ms. Brown-Blake then stated that the Council must then make a motion to approve the
80 new rule language for 61E14-2.

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82 **Motion:** Ms. Moran made a motion to approve the new rule language for 61E14-2.

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84 **Second:** Terence Brennan seconds the motion.

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86 Ms. Rogers asked the Council and the public if they had any suggested changes to the
87 new proposed language. With none being offered, Ms. Rogers called the question.

88 Motion passes unanimously.

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90 Ms. Brown-Blake stated that her analysis of the new proposed rule would not financially
91 impact small business, and requested the Council vote that a SERC would not be required
92 for the rule.

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Motion: Terrence Brennan made a motion that a SERC is not required.

Second: Ms. Moran seconded the motion. Motion passes unanimously.

Ms. Brown-Blake then requested that the Council vote to publish a Notice of Proposed Rule.

Motion: Kelly Moran made a motion to publish a Notice of Proposed Rule.

Second: Terrence Brennan seconded the motion. Motion passes unanimously.

VI. DEPARTMENT RULE REPORT – Kathleen Brown-Blake

Ms. Brown-Blake indicated that the Departmental Rule regarding mediation and citation has been filed with the Department of State, and that the Board Rule for the mediation has also been filed with the Department of State, and should be effective in about a week. Ms. Brown-Blake stated she plans to go through the Departmental Rules (61-20) and through the Board rules (61E14) to determine if any updates need to be made to the Rules.

VII. PROSECUTING ATTORNEY REPORT – C. Erica White

C. Erica White introduced Radhika Puri as the new Prosecuting Attorney for the Regulatory Council of Community Association Manager.

Ms. Puri read the Prosecuting Attorney’s report into the record.

Mr. Brennan requested a clarification on the difference between public and private complaints. Ms. White clarified that private cases are cases against CAM Firms in which probable cause had not been found. Every other type of case against a CAM or a CAM Firm are public.

VIII. EXECUTIVE DIRECTOR - Daniel Biggins

1. Division of Regulation Quarterly Complaint Report

Council Members reviewed the report.

2. Introduction of Donald Shaw as the new Government Analyst for the Council.

3. Financial Report.

Ms. Rogers asked whether or not the financials were not provided because of the timing of the meeting. Mr. Biggins confirmed that the reason the financials had not been

138 provided is because the fiscal year had recently ended and the reports were not ready at
139 the time of the meeting.

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141 **IX. COUNCIL DISCUSSION TOPICS**

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143 **1. Unlicensed Practice of Law relating to CAMs.**

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145 Ms. Rogers asked Mr. Biggins if he had any updates on the recently published report
146 from the Florida Bar, and Mr. Biggins indicated that the Department's website has been
147 updated to reflect the recently released opinion of the Florida Bar. Ms. White further
148 stated that the Unlicensed Practice Committee of the Florida Bar is on the website, and
149 that basically the Committee clarified the 1996 Supreme Court opinion regarding the
150 unlicensed practice of law, and which activities constitute the unlicensed practice of law.
151 Ms. White indicated that it doesn't really affect how the Department prosecutes or
152 disciplines CAMs, and mainly provides direction to licensees regarding what activity
153 they should be aware of. Ms. Moran requested clarification on whether or not the
154 advisory opinion on the Florida Bar's website is the same as the Supreme Court opinion.
155 Ms. White confirmed this; that the opinion on the Bar's website is from the Unlicensed
156 Practice of Law Committee of the Florida Bar. If the Supreme Court is going to make
157 any additional comment, that would be published separately. Ms. Moran asked if a date
158 was known on when the Supreme Court was going to respond. Ms. White stated she did
159 not see any action taken by the Supreme Court.

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161 **X. Future Meeting Dates**

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163 November 8th, 2013 (Jacksonville)

164 February 7th, 2014 (Conference Call)

165 May 9th, 2013 (Conference Call)

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167 Mr. Biggins reminded the Council that emails would be sent to the Council members to
168 ensure that reservations are made by the October 8th deadline.

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170 **XI. Profession Issues**

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172 **1. CAM Firm Renewal; September 30, 2013**

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174 Ms. Rogers asked if notices for CAM Firm Renewals were being sent out. Mr. Biggins
175 stated that the notices should have already gone out, and that a recent report shows that
176 about half of the licensed CAM Firms have renewed. Ms. Moran asked if there was a
177 penalty for failing to renew by the deadline. Mr. Biggins stated that there is a late fee,
178 and the license would go delinquent for two years, at which point it would go to null &
179 void. Mr. Biggins stated that continuing to operate on a delinquent license would be
180 grounds for discipline, and after the two year delinquent period, the license would go null
181 & void. Ms. Moran stated she's not sure if she's comfortable with that, and asked if there
182 is a process that the Council or the Department can implement to "tighten that up". Mr.
183 Biggins stated that this is a provision of Chapter 455, Florida Statutes, and apply to all

184 professions regulated by the Department. Ms. Moran asked if this proposed change
185 would need to be included in the Department's 2014 legislative bill. Mr. Vaccaro stated
186 that language is in Chapter 455, and applies to all professions, and he does not foresee a
187 change being made to Chapter 455.

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189 **2. HOA Reporting Requirement; Website up October 1st.**

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191 Ms. Rogers indicated that all CAMs are required to report information on the
192 Associations they manage. Ms. Rogers asked if the education for an individual who sits
193 on an Association Board is retroactive, and whether or not that individual needs to take
194 the educational course again if they are re-elected. Ms. Rogers requested the staff to look
195 into the issue, and possibly provide this information on the website. Mr. Biggins stated
196 he would look into it.

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198 **3. Disciplinary Orders on website (changes to CAM Council webpage)**

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200 Mr. Biggins stated that a link has been posted on the website. Mr. Biggins stated that link
201 directs over to the Division of Administrative Hearings' website, which tracks all final
202 orders. Mr. Biggins also stated that information has been provided in the agenda.

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204 **XII. TOPICS FOR NEXT MEETING**

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- 206 1. Updated Rules
- 207 2. Continuing Review of the Unlicensed Practice of Law
- 208 3. Public Information Brochure

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210 Ms. Rogers also requested an opportunity to comment on proposed legislation by the
211 Department. Mr. Biggins stated that the process for the 2014 Legislative Session has
212 already been submitted, but that information could be provided at the next meeting. Ms.
213 Rogers also stated that the Council has voted many times to include in the Department's
214 legislative package a proposal to change the Regulatory Council of Community
215 Association Managers into a full board. Mr. Vaccaro thanked Ms. Rogers. Ms. Moran
216 also requested that the financial status of the Council be added to the November agenda,
217 as well as the management license renewals for 2014.

218

219 Mr. Brennan asked that additional details be provided on the Prosecuting Attorney's
220 Report, and that the report be more thorough and provide a list of all the cases in process.
221 Ms. White stated that the report shows all the cases that are in public status, and that the
222 only cases which are not listed are private. Ms. White stated she's unsure of what
223 additional information can be included, but she will get with staff to see what more can
224 be included.

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226 **XIII. Adjournment**

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228 **Motion:** Terrence Brennan made a motion to adjourn the meeting.

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230 **Second:** Kelly Moran seconds the motion. Motion passes unanimously.
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232 **Meeting adjourned at 10:37 a.m.**