

**MINUTES OF THE MEETING**

**REGULATORY COUNCIL OF  
COMMUNITY ASSOCIATION MANAGERS**

**Orlando Marriott Lake Mary  
1501 International Parkway**

**Lake Mary, FL**

**November 13, 2015 at 9:00 a.m. EST**

**Conference Call Meeting**

**Conference: 888.670.3525**

**Conference Code: 7335214083#**

**CALL TO ORDER**

Chair Warren called the meeting to order at 9:06 a.m.

**MEMBERS PRESENT:**

Dawn Warren (Chair)

Angela Phillips (Vice-Chair)

Pedro Allende (Via Conference Call)

Sharon Cunningham (Via Conference Call)

Lisa Riddle

Robert Sibley

**STAFF PRESENT:**

Robyn Barineau, Executive Director, Department of Business and Professional Regulation (DBPR)

Rachel Clark, Assistant Attorney General, Office of the Attorney General

Elise Rice, Government Analyst

Linda Gray, Government Analyst

Cindy Green, American Court Reporters

**OFFICE OF THE GENERAL COUNSEL PRESENT:**

Walt Trierweiler, Assistant General Counsel, Department of Business and Professional Regulation

**OTHERS PRESENT:**

Matthew Green, Community Associations Institute

Sara Duginske, Community Association Managers International Certification Board

Community Association Managers International Certification Board, (Via Conference Call)

John Kreeger, Community Association Managers International Certification Board, (Via Conference Call)

Kristin Doe, Community Association Institute (Via-Conference Call)

Ms. Barineau welcomed and introduced the newest member, Lisa Riddle, and the Council's newest Assistant Attorney General, Rachel Clark. Ms. Barineau also informed the Board that Elise Rice would retire in a couple of months and introduced Melinda "Linda" Gray as her replacement.

## **APPROVAL OF THE MINUTES OF THE MEETING, AUGUST 21, 2015**

**MOTION:** Ms. Phillips made a motion approve the minutes as written.

**SECOND:** Mr. Allende seconded the motion and the motion passes unanimously.

## **REPORTS**

### **Prosecuting Attorney Report – Walt Trierweiler, OGC**

Mr. Trierweiler provided an email to the Council office that indicated since the last meeting a total of cases closed in October are 43, down from a high of 125 in September. The number of new CAM cases received in October are 31. Mr. Trierweiler stated that he received 23 new cases for the last week of November. Current cases as of November 6, 2015, are 134, down from a high of 284 in July. The Office of General Counsel's goal is to be under 100 total cases by end of 2015. At the meeting, Mr. Trierweiler provided reports that indicated there are 36 cases received in the legal office and one case ready for a default hearing, and 85 cases that are public record. Mr. Trierweiler also provided the members with a graph/chart that indicated this information.

### **COUNSEL REPORT – RACHEL CLARK**

#### **Rules Report**

#### **2015-2016 Annual Regulatory Plan**

No discussion.

### **61E14-2.001, F.A.C. – Standards of Professional Conduct**

The Council was advised that this rule was published and that a letter was received from the Joint Administrative Procedures Committee (JAPC). Mr. Harris responded to the letter and the adoption notice was sent to the Council office last week.

### **RULE 61E14-1.004 EXAMINATION REVIEW (REPEAL)**

Ms. Barineau and Ms. Clark explained to the Council the need to repeal Rule 61E14-1.004, F.A.C., because the Department is responsible for the examination pursuant to Rule 61-11.007, F.A.C. - Conduct at Test site, and Notice of Protection Privileges by and to the Department.

Ms. Clark asked the Council to make a motion to repeal this rule.

**MOTION:** Vice-Chair Phillips made a motion to repeal Rule 61E14-1.004, F.A.C., on the basis that the Department handles examination requirements for the

Department pursuant to Rule 61-11.007, F.A.C. – Conduct at Test Site, and Notice of Protection Privileges by and to the Department.

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

**MOTION:** Vice-Chair Phillips made a motion that the Council determined that a SERC was not required, nor was legislative ratification necessary.

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

**STATEMENT OF THE RCCAM OF SUPREME COURT ADVISORY OPINION**

Vice-Chair Phillips recommended that this matter be discussed at the end of the meeting.

**RESPONSE TO MS. PATRICIA RODGERS**

Vice-Chair Phillips recommended that this matter be discussed at the end of the meeting.

**EXECUTIVE DIRECTOR REPORT – ROBYN BARINEAU  
FINANCIAL REPORT – JUNE 30, 2015**

Ms. Barineau reported that the balance in the Council's operating account was (\$432.460). The Unlicensed Activity Account balance is (\$157.543). Ms. Barineau explained to the Council that the Department is continuing to develop a plan to address the negative balances. Ms. Barineau said that as soon as the plan is developed that she would provide it the Council.

**Future Meeting Dates**

February 26, 2016 – Conference Call

May 20, 2016 – Conference Call

August 19, 2016 – Conference Call

November 4, 2016 – Fernandina Beach

**NEW BUSINESS**

There was no new business to come before the Council at this time.

**OLD BUSINESS**

**Letter from Dawn M. Bauman, Community Association Institute; Letter to Patricia Rogers; and Statement of the RCCAM of the Supreme Court Advisory Opinion**

Ms. Barineau informed the Council that there were representatives present from Community Associations Institute (CAI).

The Council discussed the letter from Dawn Bauman with the Community Associations Institute and the letter sent to Ms. Patricia Rogers from Mr. Lawrence Harris, Assistant Attorney General.

Ms. Bauman's letter is requesting the Council to render a legal opinion related to the Florida Supreme Court opinion.

Ms. Clark informed the Council that they do not have the statutory authority to issue any opinion, comments or guidance regarding the May 14, 2015, Florida Supreme Court opinion – SC 13-889.

Vice-Chair Phillips discussed her concerns specifically page two, paragraph five and six of Ms. Bauman's letter.

Ms. Clark reiterated to the Council that it is not within the Council's jurisdiction to issue an opinion or provide guidance for the unlicensed practice of law.

Chair Warren asked the representatives present in the audience from CAI if they had any comments or any other information to add to this discussion. Mr. Green addressed the Council with his concerns.

Mr. Trierweiler, Assistant General Counsel, informed the Council that the Department does not have the authority to prosecute the unlicensed practice of law.

Chair Warren asked representatives on the telephone from CAI if they had any additional comments or concerns. Mr. John Kreeger reinforced Mr. Green's concerns.

After discussion, it was determined that anyone could petition the Florida Supreme Court for an opinion and that the Council does not have the authority to issue any opinion, comments or guidance related to the unlicensed practice of law.

The Council supports Mr. Harris' draft "Statement of the Regulatory Council of Community Association managers regarding Supreme Court advisory Opinion No. SC13-889, "Activities of Community Association Managers"."

Ms. Barineau asked Ms. Clark if a motion was necessary to approve Mr. Harris' statement. Ms. Clark stated no motion was necessary.

Ms. Barineau asked the Council if they supported removing the word "draft" from Mr. Harris' Statement and if the Council supported placing the Statement on the Council's website with the hyperlink to the Florida Supreme Court Opinion.

The Council supported the removal of the word “draft” from the Statement; placing the Statement on the Council’s website with a hyperlink to the Florida Supreme Court Opinion.

**ADJOURNMENT**

Chair Warren determined that there was no further business to come before the Council and asked for a motion to adjourn the meeting at 9:50 a.m.

**MOTION:** Lisa Riddle made a motion to adjourn the meeting.

**SECOND:** Robert Sibley seconded the motion and it passed unanimously.

The meeting adjourned at 9:50 a.m.