

**Meeting of
REGULATORY COUNCIL OF
COMMUNITY ASSOCIATION MANAGERS**

Friday, February 17, 2012 at 9:00 a.m. EST

Conference Call Meeting

Conference: 1-888-808-6959 Conference Code: 4879597

CALL TO ORDER

Patricia Rogers called the meeting to order at 9:05 a.m.

ROLL CALL

Patricia Rogers, Chair

Kelly Moran, Vice Chair

David Beswick

Terence Brennan

Margaret A. Rogers

Dawn Warren

Staff Present

Anthony Spivey, Executive Director

Mary Alford, Government Analyst

C. Khai Patterson, Assistance Attorney General

Elizabeth Henderson, Prosecuting Attorney

Anthony Spivey reminded everyone to say your name when speaking and only one person should speak at a time.

Chair, Patricia Rogers reminded everyone that if they are not Council members they will need to wait until the end of the agenda item before speaking. They will need to speak solely to the agenda item.

APPROVAL OF MINUTES – November 18, 2011

Minor edits; Maggie Rogers needs to be added to the Roll Call list as she was present for the meeting. Khai Patterson had a correction for line 83 & 84 to change the statements made by C. Erica White. Also, spelling correction need for DOAH on line 83.

Motion: Kelly Moran made a motion to approve minutes for November 18, 2011 as amended.

Second: David Beswick seconds the motion. Motion passes unanimously.

CHAIR REPORT – Patricia Rogers

There are some things in the legislature that are very important we keep an eye on; one of them being the proposed change to foreclosures by banks and community associations. Then there are some minor changes to the community association statutes that we might want to keep an eye on and may want to voice individually our positions on. On line 231 we made a motion that the council members review the standards of professional conduct etc. Tony did you receive any comments?

Anthony Spivey: No, I did not.

Patricia Rogers, Chair: Again, I think this is an important issue and I would ask it be placed on the next agenda and that individuals provide their comment to Tony by the end of March.

Maggie Rogers: Where on the minutes is this that you are talking about.

Patricia Rogers, Chair: Line 231. There is a motion Kelly made to review the standards of professional conduct, disciplinary action and any statutes and rules we should consider and submit them by January 15th. Since that did not occur, I am asking that we do so by March 31st, it is an important issue for us to consider. Tony can you send out an email reminding everyone?

Anthony Spivey: Yes, I will.

Patricia Rogers, Chair: Thank you that is all I have for the Chair's report.

COUNSEL REPORT – C. "Khai" Patterson

Khai Patterson: You probably received an email from Mrs. Alford regarding rules report for CAM. There are only two items. The special assessment rule that was reviewed during the entire review session is pending repeal so we are working on that now. And the first Rule 61E14-4.001 regarding CE renewal. It is my understanding with your prior counsel you were having some prior conversation whether or not you wanted to increase in number of CE credit required or change the manner in which the CE credit is set up. In the middle of putting the rule forward you may have decided to pull it back and it was withdrawn. I am bringing this to the Council to see if there is any discussion on this, if you want to move forward and if so, what it is you want to get accomplished.

Patricia Rogers, Chair: Council is there any comments?

Maggie Rogers: Khai, I have some things mulling around in my head that I am not ready to say yet. I would like very much to contact you, is that possible?

Khai Patterson: Yes it is.

Maggie Rogers: Ok, do I just call the Attorney General's Office and ask to speak to you?

Khai Patterson: I think you guys have a tag sheet with all the Council members name on it. My name, number and email should be there. I will say this is my last meeting I have turned in my resignation to the Attorney General's Office effective March 8th. I will be more than happy to work with you until then and pass everything along to the next counsel that will be assigned to your board.

Maggie Rogers: Ok, thank you so much.

Kelly Moran: I believe that we had as a Council decided to withdraw that rule due to the Governor's mandate that the increase in cost to the CAM for additional continuing education not go forward. Is that correct?

Patricia Rogers, Chair: I believe you are correct, that's my recollection also.

Khai Patterson: Can I assume there is no longer an issue regarding the CE and the fact that is withdrawn concludes this matter?

Kelly Moran: That is correct.

PROSECUTING ATTORNEY REPORT - Elizabeth Henderson

We have not supplied you yet with a prosecuting attorneys report, we were having some technical issues with running it and are redesigning it a little bit. What I would like to do, I can give you an idea of the total number of cases Ms. White and I currently have and also an update on plans we have to make these cases move a little faster and see what we can do to process more of them. I currently have 188 combined cases, with some which are CAM firms and some which are just CAM cases. Ms. White has 259. So our case load is still quite high and despite having two of us working on it we are not shrinking it tremendously. What we have done is we have a couple of extra staff that are going to come on board part time who will do nothing other then assist us in reviewing and processing these cases. Hopefully these numbers will drop considerably. That gives us a total of 447 disciplinary cases as of the 1st of February. We hope to have the prosecuting attorney report redesigned so we can email it out to you. Once it is complete I will give it to Mrs. Alford and ask her to distribute it to you all. Is there any particular question that I can answer?

Patricia Rogers, Chair: Any comments?

Kelly Moran: I am so happy that you will have additional staff to help you move these cases along.

EXECUTIVE DIRECTOR – Anthony B. Spivey

Financial Statements; December 31, 2011

Operating account for the period ending December 31, 2011 balance = (\$342,249)

Anthony Spivey: Any questions at this time?

Kelly Moran: In reviewing the financial I was quite concerned that we are in a deficit for the Regulatory CAM Council. Any projections as to the reversal of that deficit?

Anthony Spivey: When you go back into your renewal status again you will pick up extra income then. There are a lot of factors involved in why it is in negative balances; one, expenses the reoccurring expenses to run this particular body and also when there are cash sweeps that reduces the balances as well. Talking with the financial office when looking at future cash sweeps, this particular group more than likely will not be hit with any cash sweep because we can not purposely put a board or council into a negative balance if there is a mandatory cash sweep we will look at the allocations of those. When the next renewal cycle comes up you should be back in the positive balance.

Kelly Moran: Great, thank you.

Anthony Spivey: Any other questions on the operating account?

Patricia Rogers: What is the unassigned in Revenue, \$15,165? The revenues we lost?

Anthony Spivey: Yes, at the top you see that figure that is unassigned cash. What that represents is the refunds that have been identified in the Department, but yet not paid out to the individuals that are due them. It is actual money that is in the account, but due to individuals because of the refunds that have been requested for various factors. When those items are paid out that figure will go down and you will a corresponding increase in the expense column to off set it.

Maggie Rogers: I heard your first point, but I kind of lost what you were saying because your volume went down a little bit. I don't know if this was your second point. Didn't a great deal of money get taken out of our account?

Anthony Spivey: Yes, there was a previous cash sweep to the account.

Maggie Rogers: Thank you.

Unlicensed Account balance = \$104,241 as of December 31, 2011

Quarterly Complaint Report

Anthony Spivey: This is the report for your review. This just shows the number of complaints that have been added to the system in the Division of Regulation.

Terrance Brennan: In past agendas we get a listing of case, we don't have this time we have the summary. Is that available?

Patricia Rogers: Ms. Henderson indicated she would be sending that to us.

COUNCIL DISCUSSION TOPICS

Rule 61E14-4.001(3)(a), F.A.C

Anthony Spivey: This is the rule that you looked at your last meeting. This rule discusses the administering of the legal update course. Some providers in the past have contacted the Department to set specific ending date on the courses. We did look into that with the Bureau of Education and Testing. We talked to Bureau of Education and Testing and they were able to look at various factors and put end dates on courses. Looking at it further what we found by doing that it would actually hinder some licensees and they would not be able to get their courses in time. We would have to go back and do what is called a back posting and that may create more problems for licensees which will result in more complaints to the Governor's Office because they can't get their continuing education and get their license renewed to run their business. The recommendation would be is to leave the courses as they are and allow the individual to take the courses when they are more convenient to the licensee. So they can obtain the continuing education hours for each renewal cycle. That is before you for discussion right now. I will open it up at this time.

Patricia Rogers, Chair: Council Members, what is your pleasure on this item?

Kelly Moran: We are referring to the fact that the previous interpretation of the rule was that the two hour legal update had to be taken in the year it was designated for instead of just in the renewal period, correct?

Patricia Rogers, Chair: Yes

Kelly Moran: I don't have a problem with leaving the rule as is if it will cause further administrative issues and problems for the licensees

Khai Patterson: I reviewed the rule and I think with making one word change you could probably alleviate any problem with the interpretation. That would be that first sentence *Licensees shall satisfactorily complete a 2-hour legal update seminar during each year of the biennial renewal period.* If you change the word "during" to "representing" each year of the biennial renewal period it would stop it from appearing if there is a cut off for when they have to take it from October of the even year to September of the even year. It still requires they take a course representing the actual changes in the law for one year period and the next year period.

Patricia Rogers, Chair: I would be opposed to that. My concern is that managers need to know the legislative changes during the year they occur. To have them wait and do it in the second year really doesn't serve them well or their clients well.

Khai Patterson: I recognize that and that is very important, but if Tony can correct me if I am wrong, since it's only a biennial renewal you wouldn't know one way or another, I don't

think, whether or not they had taken them during the time certain, I am not sure. Most others boards and councils have an audit period and if you get picked for an audit that is when you would show you have done your renewal. If yours is different then Tony can speak to that, but I am not sure if there is anyway to know if they took them at that particular time.

Anthony Spivey: That is something BET will be able to look at and determine. They will be able to determine when they actually did an audit and looked at the courses.

Patricia Rogers: I would suggest that we then defer this discussion for the next meeting. Is that acceptable to the Council?

Maggie Rogers: There doesn't have to just be one way to educate the managers of new rules. You can have them alerted through the internet that there are new rules so they can be aware they need to follow these rules immediately and then they could take for their exam or update then they can take that as far as their update.

Patricia Rogers, Chair: Any other comments? Is it acceptable to the Council that we defer discussion to the next meeting so we can have further input from Suzanne Lee?

Kelly Moran: Yes, that is fine to defer this.

Terrance Brennan: Yes.

Maggie Rogers: Yes, fine.

David Beswick: Yes, that is fine with me too.

Dawn Warren: Yes, that is fine.

Public Information Brochure

Anthony Spivey presented the second public information brochure for the Council's review. Open for discussion before it is put on the website for the public.

Motion: Kelly Moran made a motion to begin production of the brochure and have it placed on the website. I also noticed that the other brochure is already on the website.

Second: David Beswick seconds the motion. Motion passes unanimously

No discussion. No public comments.

PROPOSED FUTURE MEETING DATES

May 11, 2012 – phone meeting

OLD BUSINESS

SUGGESTED TOPICS FOR THE NEXT MEETING

1. Continuation of the Rule
2. Discussion of professional standards of conduct

Kelly Moran: keep the public information brochure on the agenda for the next meeting. I will have another draft for the Council to look at.

Patricia Rogers, Chair: I would ask that if you have any suggested topics to send them to Tony by the end of March. Tony, can you also include that in the email you will send out?

Anthony Spivey: Yes, that is fine.

Kelly Moran: Do we have a newsletter that is scheduled to come out anytime soon?

Anthony Spivey: We are working on newsletters now, I have newsletters in production right now they are being review in the Department.

Kelly Moran: Can we make sure we add a section to the newsletter that calls everyone's attention that fact that we do have these brochures on the website and where to find them?

Anthony Spivey: Sure.

Kelly Moran: Great, thank you.

ADJOURNMENT

Motion: Kelly Moran made a motion to adjourn the meeting.

Second: David Beswick seconds the motion. Motion passes unanimously.

Meeting was adjourned at 9:45 a.m.