

Charles W. Drago, Secretary

Charlie Crist, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
June 16 and 17, 2009
General Meeting**

Chair Ralph McCoig called the meeting of the Florida Real Estate Commission to order, at approximately 8:45 a.m., in Orlando, Florida, on this 16th day of June, 2009.

The following Commission members were in attendance: Chair Ralph McCoig, Vice-Chair Roger Enzor, Richard DeNapoli, Richard "Dick" Fryer, Poul Hornsleth and John Ruffier. Commissioner Guju was excused. M. Catherine Lannon, Senior Assistant Attorney General, appeared as counsel for the Commission. Ms. Lannon declared a quorum present.

Department and Division staff present at the meeting: Michelle Franckhauser, Systems Project Analyst; Michelle Milnes, Systems Project Administrator; Thomas O'Bryant, Jr., Director and Executive Director; Juana Watkins, Deputy Director; James Harwood, Chief Attorney; Patrick Cunningham, Jennifer Blakeman and Joseph Solla, Senior Attorneys; Denise Johnson, OMC II; Zack Hayhurst, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Approval of the Minutes

Commissioner Fryer moved to approve the Minutes of the May 19 and 20, 2009, General Meeting, as written. Vice-Chair Enzor seconded the motion. The motion carried unanimously.

Unlicensed Activity Report

Executive Director O'Bryant presented the Unlicensed Activity Report and the Enforcement Report. Director O'Bryant addressed questions from the Commissioners.

Escrow Disbursement Orders

Senior Attorney Joe Solla presented 55 Escrow Disbursement Orders and 4 Orders for the Commission's consideration. Mr. Solla advised the Commission 2 items were resolved. Upon recommendation of the Legal Section, the Commission issued 53 Escrow Disbursement Orders and 4 Orders. Commissioner Fryer moved to approve the

Legal Section recommendation. Commissioner Ruffier seconded the motion. The motion carried unanimously.

Review and Consideration of the Real Estate Continuing Education Courses

Director O'Bryant presented the following continuing education courses for the Commissions' consideration:

1. Live Green Live Smart Green Build Science Professional Program

Commissioner Hornsleth moved to deny the continuing education course listed above as it does not comply with Section 475.182, *F.S.* Commissioner DeNapoli seconded the motion. The motion carried three to two.

2. 2009 SIOR Spring World Conference

Commissioner DeNapoli moved to deny the continuing education course listed above as it does not comply with Section 475.182, *F.S.* Commissioner Fryer seconded the motion. The motion carried unanimously.

3. Selling to Behaviors

Commissioner Hornsleth moved to deny the continuing education course listed above as it does not comply with Section 475.182, *F.S.* Commissioner Fryer seconded the motion. The motion carried unanimously.

4. Top Producer 8i

Commissioner Ruffier moved to deny the continuing education course listed above as it does not comply with Section 475.182, *F.S.* Commissioner Hornsleth seconded the motion. The motion carried unanimously.

Informal Hearing Request – Real Estate Continuing Education Course

Essential Knowledge for Every Realtor

The Commission reviewed and considered this CE application course in April 2009 and issued a Notice of Intent to Deny. Applicant Jim Bloomer requested an informal hearing and submitted written document in support of his request for approval. The Commission considered the request. Commissioner Fryer approve renewal of the continuing education course content as it meets the requirements of Section 475.182, *F.S.*, contingent upon the course title being changed from using the word "Realtor" to "Licensee". Commissioner Enzor seconded the motion. The motion carried unanimously four to two.

Ratification of Suspended Licenses

Director O'Bryant requested the Commission ratify reinstatement of the real estate license of Sulay Moreno who has met all requirements for reinstatement. The Commission ratified the actions unanimously.

Recovery Fund Claim Final Order

Izabel Brito v. James Moxley – DBPR Case No. 200850462. Mr. Solla presented this matter to the Commission. The claimant appeared in support of her claim. The licensee was not present. Mr. Solla advised that the claimant qualifies to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and agreed that payment should be approved. Commissioner Hornsleth moved to approve payment. Commissioner Ruffier seconded the motion. The motion carried unanimously.

Legal Docket

The Commission addressed the Legal Agenda, consisting of 17 docket items. The Commission considered 14 docket items and approved the continuance or withdrawal of 3 docket items. The Commission's decisions on these matters are attached hereto and made a part of these minutes.

Consent Agenda

The Commission considered 26 applicants from the Consent Agenda and required 6 applicants to be placed on the Summary of Applicant Agenda.

Public Comments

The Commission received comments from the public.

Commission Remarks

- State Attorney's Office – Commissioner DeNapoli asked whether there was any update relating to the State Attorney's Offices. Director O'Bryant responded there was none.
- Mortgage Fraud Taskforce – Commissioner DeNapoli asked whether any funds have been allocated for the Governor's Hope Council Task Force. Director O'Bryant reported that the Miami Dade Police Department (MDPD) is trying to set up a 501C3 tax exemption account. He further reported that the MDPD and DBPR continue communicating back and forth and upon resolution of the obstacles the funds will be disbursed.

- Legislative Budget Request (LBR) – Commissioner DeNapoli asked whether the LBR was available. Director O’Bryant reported it was not yet available but anticipates it will be available either July or August.
- Legislative Proposal – Commissioner DeNapoli inquired whether next year’s Legislative Proposal has been submitted to Tallahassee. Director O’Bryant reported that the preliminary proposal has been sent to Secretary Drago’s office for review and stated that he would bring the Division’s proposal before the Commissioners upon receiving the Secretary’s comments for their input or guidance. Director O’Bryant provided a summary of the proposal submitted to the Secretary’s Office.

Commission Training

Director O’Bryant conducted a PowerPoint presentation for the Commission providing an overview of the Department of Business and Professional Regulation and to provide Commissioners with a clear understanding of their role and responsibilities. Chief Attorney James Harwood and FREC Counsel M. Cathy Lannon assisted Director O’Bryant with the presentation. The following topics were addressed:

- Departmental Overview
- Roles of DBPR and Board Members
- Ethics
- The Sunshine Law
- Public Records
- The Administrative Procedures Act
- Disciplinary Proceedings
- Operating Budget
- Travel Reimbursement Information

The Member Training session lasted approximately 2.5 hours. The Commission thanked Mr. O’Bryant, Ms. Lannon, and Mr. Harwood for their presentations.

There being no further business and no objection, the Chair adjourned the meeting at approximately 4:00 p.m.

June 17, 2009

Chair Ralph McCoig reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 17th day of June, 2009.

The following Commission members were in attendance: Chair Ralph McCoig, Vice-Chair Roger Enzor, Richard DeNapoli, Richard “Dick” Fryer, Poul Hornsleth and John Ruffier. Commissioner Guju was excused. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Michelle Franckhauser, Systems Project Analyst; Michelle Milnes, Systems Project Administrator; Juana C. Watkins, Deputy Director; Patrick Cunningham, Senior Attorney; Denise Johnson OMC II; Jeannie Adkinson, Regulatory Specialist III; Zack Hayhurst, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813, provided court reporter services.

Summary of Applicants

Denise Johnson, OMC II, presented 34 Summary of Applicants requesting to sit for the real estate examination.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 12:00 p.m. The next general meeting of the Florida Real Estate Commission is scheduled for July 14 and 15, 2009, in Orlando, Florida.

Ralph McCoig, Chair
Florida Real Estate Commission

Thomas W. O'Bryant, Jr.,
Executive Director
Florida Real Estate Commission

Respectfully submitted,

Lori L. Crawford
Deputy Clerk